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THE

WORKS

OF

FRANCIS BACON,

BARON OF VERULAM,

VISCOUNT ST. ALBAN,

AND

LORD HIGH CHANCELLOR OF ENGLAND.

IN TEN VOLUMES.

VOL. III.

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WORKS POLITICAL.

OF THE

STATE OF EUROPE.

[WRITTEN ABOUT THE YEAR 1580.]

IN the consideration of the present state of Christendom, depending on the inclinations and qualities of the princes, governors of the same, first the person of the pope, acknowledged for supreme of the princes catholic, may be brought forth.

Gregory XIII. of the age of seventy years, by sur- Pope.
name Boncompagno, born in Bolonia of the meanest state of the people, his father a shoemaker by occupation; of no great learning nor understanding, busy rather in practice, than desirous of wars, and that rather to further the advancement of his son and his house, a respect highly regarded of all the popes, than of any inclination of nature, the which, yet in these years, abhorreth not his secret pleasures. Howbeit, two things especially have set so sharp edge to him, whereby he doth bend himself so vehemently against religion. The one is a mere necessity, the other the solicitation of the king of Spain. For, if we consider duly the estate of the present time, we shall find that he is not so much carried with the desire to suppress our religion, as driven with the fear of the downfal of his own, if in time it be not upheld and restored.

The reasons be these: he seeth the king of Spain already in years, and worn with labour and troubles, that there is little hope in him of long life. And he failing, there were likely to ensue great alterations of

state in all his dominions, the which should be joined with the like in religion, especially in this divided time, and in Spain, already so forward, as the fury of the inquisition can scarce keep in.

In France, the state of that church seemeth to depend on the sole life of the king now reigning, being of a weak constitution, full of infirmities, not likely to have long life, and quite out of hope of any issue. Of the duke of Anjou he doth not assure himself; besides the opinion conceived of the weakness of the complexion of all that race, giving neither hope of length of life nor of children. And the next to the succession make already profession of the reformed religion, besides the increase thereof daily in France: England and Scotland are already, God be thanked, quite reformed, with the better part of Germany. And because the queen's majesty hath that reputation to be the defender of the true religion and faith; against her majesty, as the head of the faithful, is the drift of all their mischiefs.

The king of Spain having erected, in his conceit, a monarchy, wherein seeking reputation in the protection of religion, this conjunction with the pope is as necessary to him for the furtherance of his purposes, as to the pope behoveful for the advancing of his house, and for his authority; the king of Spain having already bestowed on the pope's son, degree of title and of office, with great revenues. To encourage the pope herein, being head of the church, they set before him the analogy of the name Gregory, saying, that we were first under a Gregory brought to the faith, and by a Gregory are again to be reduced to the obedience of Rome.

A prophecy likewise is found out that foretelleth, "the dragon sitting in the chair of Peter, great things should be brought to pass."

Thus is the king of France solicited against those of the religion in France; the emperor against those in his dominions; divisions set in Germany; the Low Countries miserably oppressed; and daily attempts against her majesty, both by force and practice; hereto

serve the seminaries, where none are now admitted, but those who take the oath against her majesty.

The sect of the Jesuits are special instruments to alienate the people from her majesty, sow faction, and to absolve them of the oath of obedience, and prepare the way to rebellion and revolt.

Besides, for confirmation of their own religion they have used some reformation of the clergy, and brought in catechizing.

To go forth with the princes of Italy next in situation.

The great duke of Tuscany, Francisco de Medici, son to Cosmo, and the third duke of that family and province; of the age of forty years, of disposition severe and sad, rather than manly and grave; no princely port or behaviour more than a great justicer; inclined to peace, and gathering money. All Tuscany is subject unto him, wherein were divers commonwealths; whereof the chief were Florence, Siena, and Pisa, Prato, and Pistoia, saving Lucca, and certain forts on the sea-coast, held by the king of Spain. Duke of Tuscany.

He retaineth in his service few, and they strangers, to whom he giveth pensions. In all his citadels he hath garrison of Spaniards, except at Siena: in housekeeping spendeth little, being as it were in pension, agreeing for so much the year with a citizen of Florence for his diet: he has a small guard of Swissers, and when he rideth abroad a guard of forty light horsemen. The militia of his country amounteth to forty thousand soldiers, to the which he granteth leave to wear their weapons on the holy days, and other immunities. Besides, he entertaineth certain men of arms, to the which he giveth seven crowns the month. He also maintaineth seven galleys, the which serve under his knights, erected by his father in Pisa, of the order of St. Stephano: of these galleys three go every year in chase.

His common exercise is in distillations, and in trying of conclusions, the which he doth exercise in a house called Cassino in Florence, where he spendeth the most part of the day; giving ear in the mean season

to matters of affairs, and conferring with his chief officers. His revenues are esteemed to amount to a million and a half of crowns, of the which spending half a million, he layeth up yearly one million. But certainly he is the richest prince in all Europe of coin. The form of his government is absolute, depending only of his will and pleasure, though retaining in many things the ancient offices and shew. But those magistrates resolve nothing without his express directions and pleasure. Privy council he useth none, but reposeth most his trust on sound secretaries, and conferreth chiefly with his wife, as his father did with one of his secretaries. For matter of examinations, one Corbolo hath the especial trust; he doth favour the people more than the nobility, because they do bear an old grudge to the gentlemen, and the people are the more in number, without whom the nobility can do nothing. One thing in him giveth great contentment to the subjects, that he vouchsafeth to receive and hear all their petitions himself. And in his absence from Florence, those that have suit do resort to the office, and there exhibit their bill endorsed; whereof within three days absolute answer is returned them, unless the matter be of great importance, then have they direction how to proceed. He is a great justicer; and for the ease of the people, and to have the better eye over justice, hath built hard by his palace a fair row of houses for all offices together in one place.

Two years sithence he married la Signora Bianca his concubine, a Venetian of Casa Capelli, whereby he entered straiter amity with the Venetians: with the pope he had good intelligence, and some affinity by the marriage of Signor Jacomo, the pope's son, in Casa Sforza.

To the emperor he is allied, his first wife being the emperor Maximilian's sister.

With Spain he is in strait league, and his mother was of the house of Toledo; his brother likewise, D. Pietro, married in the same house. With France he standeth at this present in some misliking.

With Ferrara always at jar, as with all the dukes of Italy for the preseance in some controversy.

All his revenues arise of taxes and customs; his domains are very small.

He hath by his first wife one son, of the age of four or five years, and four daughters; he hath a base child by this woman, and a base brother, D. Joanni, sixteen years of age, of great expectation.

Two brothers, D. Pietro, and the cardinal.

Ferrara. The duke of Ferrara, Alfonso d'Este, the fifth duke, now about forty years of age; his first wife Lucretia, daughter to Cosmo de Medici, whom they say he poisoned; his second, daughter to Ferdinand the emperor; his third wife now living, Anne daughter to the duke of Mantua. He hath no child. The chief cities of his state are Ferrara, Modena, and Reggio: he is rich in money, growing, as the most of Italy, of exactions; of all the princes of Italy alone inclineth to the French; with the pope hath some jar about the passage of a river. The Venetians and he fall in great hatred; with Florence hath enmity; with Lucca little skirmishes every year for a castle he buildeth on their confines, to raise a great toll in a strait passage, by reason of his mother a Guise.

Mantua. William of the house of Gonsaga, the third duke of Mantua; his wife Barbara daughter to the emperor Ferdinand, by whom he hath a son of twenty-two years of age, and a daughter. His son is called Vincentio, his daughter Anne married of late to the duke of Ferrara; his son likewise married a year sithence to the prince of Parma's daughter. The duke his self very deformed and crook-backed, well in years. Montferrat likewise appertaineth to him. Divers of his house have pension always, and serve the king of Spain; his brother the duke of Nevers remaineth in France. He only seeketh to maintain his estate and enrich himself; his greatest pleasure is in horses and building.

Urbin. The duke of Urbin, Francesco Maria, of the house of Roveré, the second of that name, a prince of good behaviour and witty. In his state are seven reason-

WORKS POLITICAL.

France, not so much in hope of any great affiance at this present to be had in him, but for the reputation of that nation, and the amity always they have had with the same, and behoving them so to do. They use it with good foresight and speedy preventing, sparing for no charge to meet as they may with every accident. Of late they have had some jar with the pope, as well about the inquisition as title of land. With Ferrara and the Venetians is ancient enmity, specially because he receiveth all their banished and fugitives. They make most account of the duke of Savoy amongst the princes of Italy. They maintain divers ambassadors abroad, with the Turk, the emperor, France, Spain, and at Rome: with them is an ambassador of France and Savoy always resident, and an agent of Spain, because they gave the preseance to France.

In this it seemeth all the potentates of Italy do agree to let all private grudges give place to foreign invasion, more for doubt of alteration in religion, than for any other civil cause.

There is none amongst them at this day in any likelihood to grow to any greatness. For Venice is bridled by the Turk and Spain. The duke of Tuscany seeketh rather title than territory, otherwise than by purchasing.

Savoy is yet young; the rest of no great force of themselves. France hath greatly lost the reputation they had in Italy, by neglecting the occasions offered, and suffering the king of Spain to settle himself.

Emperor. The emperor Adolphe of the house of Austriche, son to Maximilian, about thirty years of age; no strong constitution of body, and greatly weakened by immoderate pleasure; no great quickness of spirit. In fashion and apparel all Spanish, where he had his education in his youth. He was most governed by his mother while she remained with him; and yet altogether by his steward Dyetristan, and his great chamberlain Romphe, both pensionaries of Spain, and there with him maintained.

Of the empire he hath by the last imperial diet one million of dollars towards the maintenance of the garrisons of Hungary; and, besides, his guards are paid of the empire.

To the Turk he payeth yearly tribute for Hungary 40,000 dollars, besides the charge of the presents and his ambassadors, amounting to more than the tribute; in all 100,000 dollars.

The ordinary garisons in Hungary are to the number of but evil paid at this time.

The revenues and subsidies of Hungary do not pass 100,000 florins. The last emperor affirmed solemnly that the charge of Hungary amounted to one million and a half.

The revenues of Bohemia, ordinary and extraordinary, amount to 50,000 dollars.

In the absence of the emperor, the baron of Rosemberg is governor of Bohemia, who possesseth almost a fourth part of that country, and is a papist; neither he nor his brother have children: he beareth the emperor in hand to make him his heir.

Of Silesia and Moravia, the emperor yearly may have 200,000 florins.

Out of Austriche of subsidy and tribute 100,000 florins, for his domains are all sold away and engaged.

Thus all his revenues make half a million of florins.

To his brothers Maximilian and Ernest he alloweth yearly, by agreement made between them, 45,000 florins apiece, as well for Austriche, as that might hereafter fall unto them by the decease of the archduke Ferdinand in Tyrol, the which shall come to the emperor.

The emperor altogether dependeth on Spain, as well in respect of his house, as the education he received there, and the rule his mother hath over him with the chief of his council. He is utter enemy to religion, having well declared the same in banishing the ministers out of Vienna, and divers other towns, where he goeth about to plant Jesuits.

Of his subjects greatly misliked, as his house is hateful to all Germany.

The archduke Charles holdeth Styria and Carinthia; his chief abode is at Gratz; his wife is sister to the duke of Bavyre, by whom he hath children.

The archduke Ferdinand hath Tyrol, and remaineth the most part at Ilsburg. For his eldest son he hath bought in Germany a pretty state, not far from Ulms; the second is a cardinal. Now he is a widower, and said that he shall marry a daughter of the duke of Mantua.

These are uncles to the emperor: besides Maximilian and Ernest, he hath two brothers, the archduke Matthias, that hath a pension of the estates of the Low Country, and a cardinal archbishop of Toledo.

Germany. In Germany there are divers princes diversly affected. The elector palatine Ludovic, a Lutheran; his chief abode is at Heidelberg.

His brother, John Casimir, Calvinist, at Keiserslautern, or Nieustadt.

Richard their uncle at Symyers.

During the life of the last elector, Ludovic dwelt at Amberg in the Higher Palatinate.

Philip Ludovic dwelt at Norbourg on the Danow, and is commonly called duke of.

John dwelleth at Rypont, or Sweybourgh, or in Bergesaber; the other three brethren have no certain dwelling-place. George John, son of Rupert, count Palatine, dwelleth at Lysselsteyn.

Princes of Germany. Augustus, duke and elector of Saxony, remaineth the most part at Dresden on the Elbe; sometimes at Torge on Elbe, a goodly castle fortified by John Frederick. This elector is Lutheran, and a great enemy to our profession; of sixty years of age, half frantic, severe, governed much by his wife, greater exactor than the German princes are wont to be, and retaineth in his service divers Italians; his eldest son married of late the daughter of the duke of Brandebourg.

The sons of John Frederick, captive, and yet in prison, remain at Coburge in East Franconia, near the forest of Turinge.

The sons of John William abide at Vinaria in Turingia.

Joachim Frederick, son of John George elector of

Brandebourg, at Hala in Saxony on the river of Sala, as administrator of the archbishopric of Magdebourg.

George Frederick, son of George, dwelleth at Orsbuche in East Franconia, or at Blassenbourge, the which was the mansion of his uncle Albert the warrior.

The elector of Brandebourg, John George, remaineth at Berlin on the river of Sprea: his uncle John dwelleth at Castryne beyond Odera, very strong both by the situation, and fortified.

William duke of Bavyre, a papist, at Munich in Bavary, married the daughter of the duke of Lorain.

His second brother Ferdinand remaineth most at Landshutt.

The third, Ernest, is bishop of Frisinghen and Hildesheim, and late of Liege.

Julius duke of Brunswick, at the strong castle of Wolfenbuttel on Oker.

Ericke of Brunswick, son to Magnus, uncle to Julius, remaineth at Mynda, or where the rivers of Werra and Fulda do join, making the river of Visurgis navigable.

William duke of Luneburg hath his being at Cella, on the river Albera.

Henry his brother at Grysorn, where, before, their uncle Francis was wont to dwell.

Otho their cousin, duke of Luneburg, inhabiteth Harbourg, on this side the Elbe, over-right against Hamburgh.

The dukes of Pomerania, John Frederick dwelleth at Stetin.

Bugeslaus at Campena, some time an abbey in the county of Bardruse.

Ernest Ludovick at Wolgast, on the river of Panis that runneth into the Baltick sea.

Barmin at Ragenwald in Further Pomerania, on the borders of Poland and Prussia.

Casimire at Camyn, which bishoprick he holdeth, either as administrator, or in his own possession and right.

Ulricke duke of Meckelbourg, remaineth most at Gustrow; his brother John Albert dwelleth at Swerin,

whose two sons are in the court of the duke of Saxon.

Adolph duke of Holst and Dytmarch; his chief seat is at Gottorp in the duchy of Sleswick.

John his elder brother, unmarried, hath his abode at Hadersberge: John, son to Christiern king of Denmark, and brother to the duke of Holst, and to Frederick now king of Denmark, bishop of Oeselya and Courland in Livonia.

William duke of Juliers, Cleve, and Bergen, hath his court at Dusseldorp in the dukedom of Bergense.

William landgrave of Hesse dwelleth at Cassel on Fulda.

Ludovick at Marpurge.

Philip at Brubache on the Rhine.

George at Darmstadt.

Ludovick duke of Wirtenberge, his chief house at Stutgard.

Frederick at Montbelgard.

The marquises of Bathe: the elder Ernest, the second Jacob, the third brother yet younger; their chief dwelling-place is at Forsheim, or at Durlach.

The sons of Philip at the Bath called Baden.

Ernest Joachim, prince of Anhalt, at Zerbest, in the midway between Magdebourg and Wittemberg; his other mansion is at Dessau on Mylda, where he was born, new built and fortified by his grandfather Ernest: he hath besides the castle of Cathenen, the which was the habitation of Wolfgang prince of Anhalt his great uncle; Ernest favoureth religion.

George Ernest, prince and earl of Henneberg, at Schlewsing, by the forest called Turing.

George duke of Silesia and Brieke, of the family of the kings of Poland, dwelleth at Brieke; his eldest son, Joachim Frederick, hath married the daughter of the prince of Anhalt; his second son, John George.

Henry duke of Silesia and Lignitz, son to the brother of George, dwelleth at Lignitz; he hath no children alive.

Frederick, brother to Henry, unmarried.

Charles duke of Munsterberg and Olsse, his wife the countess of Sternberg in Bohemia, where he maketh his abode.

Henry, brother to Charles, remained at Olsse.

John Frederick duke of Teschen.

Charles duke of Lorrain, his chief court at Nancy.

His eldest son Henry of man's estate.

Charles cardinal archbishop of Mets.

A daughter in the French court.

Besides, there are in Germany three electors bishops, and divers bishops of great livings.

The free towns of greatest importance are Noremberg, Auspurg, Ulmes, and Strasburg: then the cantons of the Swisses, the Grisons, and Valois.

The greatest trouble in Germany at this time is about the concordate, furthered by the duke of Saxon, and the count Palatine.

There is at this present no prince in Germany greatly toward or redoubted.

The duke Casimir's credit is greatly impaired, and his ability small.

The dyet imperial shortly should be held, where the concordate shall be urged, collection for Hungary made, and a king of Romans named.

France. The French king, Henry the third, of thirty years of age, of a very weak constitution, and full of infirmities; yet extremely given over to his wanton pleasures, having only delight in dancing, feasting, and entertaining ladies, and chamber-pleasures: no great wit, yet a comely behaviour and goodly personage, very poor through exacting inordinately by all devices of his subjects greatly repining that revenge and hungry government, abhorring wars and all action, yet daily worketh the ruin of those he hateth, as all of the religion and the house of Bourbon; doting fondly on some he chooseth to favour extremely, without any virtue or cause of desert in them, to whom he giveth prodigally. His chief favourites now about him are the duke Joyeuse, la Valette, and monsieur D'Au. The queen mother ruleth him rather by policy and fear he hath of her, than by his good will; yet he always

doth shew great reverence towards her. The Guise is in as great favour with him as ever he was; the house is now the greatest of all France, being allied to Ferrara, Savoy, Lorrain, Scotland, and favoured of all the papists; the French king having his kinswoman to wife, and divers great personages in that realm of his house.

The chiefest at this present in credit in court, whose counsel he useth, are Villeroy, Villaquier, Bellievre, the chancellor and lord keeper, Birague and Chiverny.

He greatly entertaineth no amity with any prince, other than for form; neither is his friendship otherwise respected of others, save in respect of the reputation of so great a kingdom.

The pope beareth a great sway, and the king of Spain by means of his pensions; and of the queen-mother with the Guise; she for her two daughters, he for other regard, can do what he list there, or hinder what he would not have done.

The division in his country for matters of religion and state, through miscontentment of the nobility to see strangers advanced to the greatest charges of the realm, the offices of justice sold, the treasury wasted, the people polled, the country destroyed, hath bred great trouble, and like to see more. The faction between the house of Guise against that of Montmorancy, hath gotten great advantage.

At this present the king is about to restore Don Antonio king of Portugal, whereto are great levies and preparation.

Duke of Brabant. Francis duke of Anjou and of Brabant, for his calling and quality greatly to be considered as any prince this day living, being second person to the king his brother, and in likelihood to succeed him. There is noted in the disposition of this prince a quiet mildness, giving satisfaction to all men; facility of access and natural courtesy; understanding and speech great and eloquent; secrecy more than commonly is in the French; from his youth always desirous of action, the which thing hath made him always followed and respected. And though hitherto he hath brought to pass

no great purpose, having suffered great wants, and resistance both at home and abroad, yet by the intermeddling is grown to good experience, readiness and judgment, the better thereby able to guide and govern his affairs, both in practice, in treaty, and action. Moreover, the diseased estate of the world doth so concur with this his active forwardness, as it giveth him matter to work upon: and he is the only man to be seen of all them in distress, or desirous of alteration. A matter of special furtherance to all such as have atchieved great things, when they have found matter disposed to receive form.

And there is to be found no other prince in this part of the world so towards and forward as the duke, towards whom they in distress may turn their eyes. We do plainly see in the most countries of Christendom so unsound and shaken an estate, as desireth the help of some great person, to set together and join again the pieces asunder and out of joint. Wherefore the presumption is great, that if this prince continue this his course, he is likely to become a mighty potentate: for, one enterprise failing, other will be offered, and still men evil at ease, and desirous of a head and captain, will run to him that is fittest to receive them. Besides, the French, desirous to shake off the civil wars, must needs attempt somewhat abroad. This duke first had intelligence with the count Ludovic in king Charles's days, and an enterprise to escape from the court, and in this king's time joined with them of the religion and malcontents: after was carried against them; seeketh the marriage with her majesty, so mighty a princess, as it were to marry might with his activity.

He hath had practice in Germany to be created king of Romans, made a sudden voyage with great expedition into the Low Countries, now is there again with better success than so soon was looked for.

The king of Spain, Philip, son to Charles the fifth, about sixty years of age, a prince of great understanding, subtle and aspiring, diligent and cruel. This king especially hath made his benefit of the time. Spain.

where his last attempt on Portugal deserveth exact consideration, thereby as by the workmanship to know the master.

The first success he had was at St. Quintin, where he got a notable hand of the French; he sought to reduce the Low Countries to an absolute subjection.

He hath kept France in continual broil, where, by his pensions and the favour of the house of Guise, by means of the queen-mother in contemplation of her nieces, he beareth great sway. With the pope he is so linked, as he may do what him list, and dispose of that authority to serve his purposes: as he has gotten great authority in pretending to protect the church and religion.

He possesseth the one half of Italy, comprehending Sicily and Sardinia, with Naples and Milan; the which estates do yield him little other profit, save the maintenance of so many Spaniards as he keepeth there always.

The duke of Florence relieth greatly upon him, as well in respect of the state of Siena, as of the ports he holdeth, and of his greatness. Lucca is under his protection. Genoa, the one faction at his devotion, with their galleys: at his pension is most of the greatest there.

Besides the Low Countries, he holdeth the Franch Comté, the best used of all his subjects, and Luxembourg: the West Indies furnish him gold and silver, the which he consumeth in the wars of the Low Countries, and in pensions, and is greatly indebted, while he worketh on the foundation his father laid, to erect a monarchy, the which, if he succeed in the conquest of Portugal, he is likely to atchieve, unless death do cut him off.

He hath one son of the years of five by his last wife, two daughters by the French king's sister, two base sons.

He hath greatly sought the marriage of the queen's daughter of France, sister to his last wife, and cousin german removed.

His revenues are reckoned to amount to sixteen millions. The Turks revenues are thought to be equal with his.

The chief in credit with him of martial men and for counsel are - - - -

He maketh account to have in continual pay 50,000 soldiers.

He maintaineth galleys to the number of 140, whereof there are sixty in Portugal, the rest are at Naples, and other places. Now is on league with the Turk.

D. Antonio, elect king of Portugal, thrust out by the king of Spain, of forty-five years of age, a mild spirit, sober and discreet: he is now in France, where he hath levied soldiers, whereof part are embarked, hoping by the favour of that king, and the good-will the Portugals do bear him, to be restored again. He holdeth the Torges, and the East-Indians yet remain well affected to him, a case of itself deserving the considering and relief of all other princes. Besides in his person, his election to be noted with the title he claimeth very singular, and seldom the like seen, being chosen of all the people; the great dangers he hath escaped likewise at sundry times. Portugal.

The king of Poland, Stephen Batoaye, a baron of Hungary, by the favour of the Turk chosen king of the Pollacks, after the escape made by the French king; a prince of the greatest value and courage of any at this day, of competent years, sufficient wisdom, the which he hath shewed in the siege of Danske, and the wars with the Muscovite. Poland.

The Hungarians could be content to exchange the emperor for him. The Bohemians likewise wish him in the stead of the other. He were like to attain to the empire, were there not that mortal enmity between those two nations as could not agree in one subjection.

Straight upon his election he married the Infant of Poland, somewhat in years and crooked, only to content the Pollacks, but never companied with her. He doth tolerate there all religions, himself heareth the mass, but is not thought to be a papist: he had a great

part of his education in Turkey, after served the last emperor.

Denmark. Frederick the Second, of forty-eight years, king of Denmark and Norway; his wife Sophia, daughter to Ulricke duke of Mechelebourg, by whom he hath six children, four daughters and two sons, Christianus and Ulricus, the eldest of five years of age.

The chiefest about him, Nicolas Cose his chancellor, in whose counsel he doth much repose.

He hath always 800 horse about his court, to whom he giveth ten dollars the month.

His father deceased in the year 1559, after which he had wars ten years space with the Swede, which gave him occasion to arm by sea. His navy is six great ships of 1500 ton, and fifteen smaller, ten gallies which sail to pass the Straits.

His revenues grow chiefly in customs, and such living as were in the hands of the abbeys, and bishops, whereby he is greatly enriched: his chief haven is Copenhagen, where always his navy lieth.

His brother John, duke of Holst in Jutland, married to the daughter of the duke of Inferior Saxony.

Magnus, his other brother, bishop of Courland, married the daughter of the Muscovite's brother.

The chiefest wars that the king of Denmark hath is with Sweden, with whom now he hath peace. The duke of Holst is uncle to the king now reigning; they make often alliances with Scotland.

Sweden. John, king of Sweden, son of Gustavus.

This Gustavus had four sons, Erick, John, Magnus, Charles.

Erick married a soldier's daughter, by whom he had divers children, and died in prison.

John, now king, married the sister of Sigismond late king of Poland.

Magnus bestraught of his wits.

Charles married a daughter of the Palsgrave.

Five daughters of Gustavus.

Katherine married to the earl of East-Friseland.

Anne to one of the Palsgraves.

Cicilia to the marquis of Baden.

Sophia to the duke of Inferior Saxony.

Elizabeth to the duke of Mecleburg.

This prince is of no great force nor wealth, but of late hath increased his navigation by reason of the wars between him and the Dane, the which, the wars ceasing, they hardly maintain.

The Muscovite emperor of Russia, John Basil, of threescore years of age, in league and amity with no prince; always at wars with the Tartarians, and now with the Pollake. Muscovy.

He is advised by no council, but governeth altogether like a tyrant. He hath one son of thirty years of age. Not long sithence this prince deposed himself, and set in his place a Tartar, whom he removed again. Of late sent an ambassador to Rome, giving some hope to submit himself to that see. Their religion is nearest the Greek church, full of superstition and idolatry.

MR. BACON'S DISCOURSE

IN THE

PRAISE OF HIS SOVEREIGN.

No praise of magnanimity, nor of love, nor of knowledge, can intercept her praise, that planteth and nourisheth magnanimity by her example, love by her person, and knowledge by the peace and serenity of her times. And if these rich pieces be so fair unset, what are they set, and set in all perfection? Magnanimity no doubt consisteth in contempt of peril, in contempt of profit, and in meriting of the times wherein one liveth. For contempt of peril, see a lady that cometh to a crown after the experience of some adverse fortune, which for the most part extenuateth the mind, and maketh it apprehensive of fears. No sooner she taketh the sceptre into her sacred hands, but she putteth on a resolution to make the greatest, the most important, the most dangerous that can be in a state, the alteration of religion. This she doth, not after a sovereignty established and continued by sundry years, when custom might have bred in her people a more absolute obedience; when trial of her servants might have made her more assured whom to employ; when the reputation of her policy and virtue might have made her government redoubted: but at the very entrance of her reign, when she was green in authority, her servants scant known unto her, the adverse part not weakened, her own part not confirmed. Neither doth she reduce or reunite her realm to the religion of the states about her, that the evil inclination of the subject might be countervailed by the good correspondence in foreign parts: but contrariwise, she introduceth a religion exterminated and persecuted both at home and abroad. Her proceeding herein is not by degrees and by stealth, but absolute and at once. Was she encouraged thereto by the strength she found

in leagues and alliances with great and potent confederates? No, but she found her realm in wars with her nearest and mightiest neighbours. She stood single and alone, and in league only with one, that after the people of her nation had made his wars, left her to make her own peace; one that could never be by any solicitation moved to renew the treaties; and one that since hath proceeded from doubtful terms of amity to the highest acts of hostility. Yet, notwithstanding the opposition so great, the support so weak, the season so improper; yet, I say, because it was a religion wherein she was nourished and brought up; a religion that freed her subjects from pretence of foreign powers, and indeed the true religion; she brought to pass this great work with success worthy so noble a resolution. See a queen that, when a deep and secret conspiracy was plotted against her sacred person, practised by subtile instruments, embraced by violent and desperate humours, strengthened and bound by vows and sacraments, and the same was revealed unto her, (and yet the nature of the affairs required further ripening before the apprehension of any of the parties,) was content to put herself into the guard of the divine providence, and her own prudence, to have some of the conspirators in her eyes, to suffer them to approach to her person, to take a petition of the hand that was conjured for her death; and that with such majesty of countenance, such mildness and serenity of gesture, such art and impression of words, as had been sufficient to have represt and bound the hand of a conspirator, if he had not been discovered. Lastly, see a queen, that when her realm was to have been invaded by an army, the preparation whereof was like the travel of an elephant, the provisions were infinite, the setting forth whereof was the terror and wonder of Europe; it was not seen that her chear, her fashion, her ordinary manner was any thing altered: not a cloud of that storm did appear in that countenance wherein peace doth ever shine; but with excellent assurance, and advised security, she inspired her council, animated her nobility, redoubled the courage of her people, still having this

noble apprehension, not only that she would communicate her fortune with them, but that it was she that would protect them, and not they her: which she testified by no less demonstration than her presence in camp. Therefore, that magnanimity that neither feareth greatness of alteration, nor the views of conspirators, nor the power of enemy, is more than heroical.

For contempt of profit, consider her offers, consider her purchases. She hath reigned in a most populous and wealthy peace, her people greatly multiplied, wealthily appointed, and singularly devoted. She wanted not the example of the power of her arms in the memorable voyages and invasions prosperously made and atchieved by sundry her noble progenitors. She had not wanted pretences, as well of claim and right, as of quarrel and revenge. She hath reigned during the minority of some of her neighbour princes, and during the factions and divisions of their people upon deep and irreconcilable quarrels, and during the embracing greatness of some one that hath made himself so weak through too much burthen, as others are through decay of strength; and yet see her sitting as it were within the compass of her sands. Scotland, that doth as it were eclipse her island; the United Provinces of the Low Countries, which for wealth, commodity of traffic, affection to our nation, were most meet to be annexed to this crown; she left the possession of the one, and refused the sovereignty of the other: so that notwithstanding the greatness of her means, the justness of her pretences, and the rareness of her opportunity; she hath continued her first mind, she hath made the possessions which she received the limits of her dominions, and the world the limits of her name, by a peace that hath stained all victories.

For her merits, who doth not acknowledge, that she hath been as a star of most fortunate influence upon the age wherein she hath shined? Shall we speak of merit of clemency? or merit of beneficence? Where shall a man take the most proper and natural trial of

her royal clemency? Will it best appear in the injuries that were done unto her before she attained the crown? or after she is seated in her throne? or that the commonwealth is incorporated in her person? Then clemency is drawn in question, as a dangerous encounter of justice and policy. And therefore, who did ever note, that she did relent, after that she was established in her kingdom, of the wrongs done unto her former estate? Who doth not remember how she did revenge the rigour and rudeness of her jailor by a word, and that no bitter but salt, and such as shewed rather the excellency of her wit than any impression of her wrong? Yea, and further, is it not so manifest, that since her reign, notwithstanding the principle that princes should not neglect, "That the Commonwealth's wrong is included in themselves;" yet when it is question of drawing the sword, there is ever a conflict between the justice of her place, joined with the necessity of her state and her royal clemency, which as a sovereign and precious balm continually distilleth from her fair hands, and falleth into the wounds of many that have incurred the offence of her law.

Now, for her beneficence, what kind of persons have breathed during her most happy reign, but have had the benefit of her virtues conveyed unto them? Take a view, and consider, whether they have not extended to subjects, to neighbours, to remote strangers, yea, to her greatest enemies. For her subjects, where shall we begin in such a maze of benefits as presenteth itself to remembrance? Shall we speak of the purging away of the dross of religion, the heavenly treasure; or that of money, the earthly treasure? The greater was touched before, and the latter deserveth not to be forgotten. For who believeth not, that knoweth any thing in matter of estate, of the great absurdities and frauds that arise of divorcing the legal estimation of moneys from the general, and, as I may term it, natural estimation of metals, and again of the uncertainty and wavering values of coins, a very labyrinth of cousenages and abuse, yet such as great princes have made their profit of towards their own

people. Pass on from the mint to the revenue and receipts: there shall you find, no raising of rents, notwithstanding the alteration of prices and the usage of the times; but the over value, besides a reasonable fine left for the relief of tenants and reward of servants; no raising of customs, notwithstanding her continual charges of setting to the sea; no extremity taken of forfeiture and penal laws, means used by some kings for the gathering of great treasures. A few forfeitures, indeed, not taken to her own purse, but set over to some others for the trial only, whether gain could bring those laws to be well executed, which the ministers of justice did neglect. But after it was found, that only compassions were used, and the law never the nearer the execution, the course was straight suppressed and discontinued. Yea, there have been made laws more than one in her time for the restraint of the vexation of informers and promoters: nay, a course taken by her own direction for the repealing of all heavy and snared laws, if it had not been crossed by those to whom the benefit should have redounded. There shall you find, no new taxes, impositions, nor devices; but the benevolence of the subject freely offered by assent of parliament, according to the ancient rates, and with great moderation in assessment; and not so only, but some new forms of contribution offered likewise by the subject in parliament; and the demonstration of their devotion only accepted, but the thing never put in ure. There shall you find loans, but honourably answered and paid, as it were the contract of a private man. To conclude, there shall you find moneys levied upon failts of lands, alienation, though not of the ancient patrimony, yet of the rich and commodious purchases and perquisites of the crown only, because she will not be grievous and burthensome to the people. This treasure, so innocently levied, so honourably gathered and raised, with such tenderness to the subject, without any baseness or dryness at all; how hath it been expended and employed? Where be the wasteful buildings, and the exorbitant and prodigal donatives, the sump-

tuous dissipations in pleasures, and vain ostentations which we find have exhausted the coffers of so many kings? It is the honour of her house, the royal remunerating of her servants, the preservation of her people and state, the protection of her suppliants and allies, the encounter, breaking, and defeating the enemies of her realm, that hath been the only pores and pipes whereby the treasure hath issued. Hath it been the sinews of a blessed and prosperous peace? Hath she bought her peace? Hath she lent the king of Spain money upon some cavillation not to be repeated, and so bought his favour? And hath she given large pensions to corrupt his council? No, but she hath used the most honourable diversion of troubles that can be in the world. She hath kept the fire from her own walls by seeking to quench it in her neighbours. That poor brand of the state of Burgundy, and that other of the crown of France that remaineth, had been in ashes but for the ready fountain of her continual benignity. For the honour of her house it is well known, that almost the universal manners of the times doth incline to a certain parsimony and dryness in that kind of expence; yet she retaineth the ancient magnificence, the allowance as full, the charge greater than in time of her father, or any king before; the books appear, the computation will not flatter. And for the remunerating and rewarding of her servants, and the attendance of the court, let a man cast and sum up all the books of gifts, fee-farms, leases and custodies that have passed her bountiful hands. Let him consider again what a number of commodious and gainful offices heretofore bestowed upon men of other education and profession, have been withdrawn and conferred upon her court. Let him remember, what a number of other gifts disguised by other names, but in effect as good as money given out of her coffers, have been granted by her; and he will conclude, that her royal mind is far above her means. The other benefits of her politic, clement, and gracious government towards the subjects are without number; the state of justice good, notwith-

standing the great subtilty and humourous affections of these times; the security of peace greater than can be described by that verse;

Tutus bos etenim rura perambulat:
Nutrit rura Ceres, almaque Faustitas.

Or that other,

Condit quisque diem collibus in suis.

The opulency of the peace such, as if you have respect, to take one sign for many, to the number of fair houses that have been built since her reign, as Augustus said, "that he had received the city of brick, and left it of marble;" so she may say, she received it a realm of cottages, and hath made it a realm of palaces: the state of traffic great and rich: the customs, notwithstanding these wars and interruptions, not fallen: many profitable trades, many honourable discoveries: and lastly, to make an end where no end is, the shipping of this realm so advanced and made so mighty and potent, as this island is become, as the natural site thereof deserved, the lady of the sea; a point of so high consequence, as it may be truly said, that the commandment of the sea is an abridgement or a quintessence of an universal monarchy.

This and much more hath she merited of her subjects: now to set forth the merit of her neighbours and the states about her. It seemeth the things have made themselves purveyors of continual, new, and noble occasions for her to shew them benignity, and that the fires of troubles abroad have been ordained to be as lights and tapers to make her virtue and magnanimity more apparent. For when that one, stranger born, the family of Guise, being as a hasty weed sprung up in a night, had spread itself to a greatness, not civil but seditious; a greatness, not of encounter of the ancient nobility, not of preeminency in the favour of kings, and not remiss of affairs from kings; but a greatness of innovation in state, of usurpations of authority, of affecting of crowns; and that accordingly, under colour of consanguinity and religion, they had brought French forces into Scotland, in the

absence of their king and queen being within their usurped tutele; and that the ancient nobility of this realm, seeing the imminent danger of reducing that kingdom under the tyranny of foreigners and their faction, had, according to the good intelligence betwixt the two crowns, prayed her neighbourly succours: she undertook the action, expelled the strangers, restored the nobility to their degree. And lest any man should think her intent was to unnestle ill neighbours, and not to aid good neighbours, or that she was readier to restore what was invaded by others than to render what was in her own hands; see if the time provided not a new occasion afterwards, when through their own divisions, without the intermise of strangers, her forces were again sought and required; she forsook them not, prevailed so far as to be possessed of the castle of Edinburgh, the principal strength of that kingdom, with peace, incontinently, without cunctations or cavillations, the preambles of a wavering faith, she rendered with all honour and security; and his person to safe and faithful hands; and so ever after during his minority continued his principal guardian and protector. In the time and between the two occasions of Scotland, when the same faction of Guise, covered still with pretence of religion, and strengthened by the desire of retaining government in the queen-mother of France, had raised and moved civil wars in that kingdom, only to extirpate the ancient nobility, by shocking them one against another, and to waste that realm as a candle which is lighted at both ends: and that those of the religion, being near of the blood-royal, and otherwise of the greatest house in France, and great officers of the crown opposed themselves only against their insolency, and to their supports called in her aid, giving unto them Newhaven for a place of security: see with what alacrity, in tender regard towards the fortune of that young king, whose name was used to the suppliants of his strength, she embraced the enterprise; and by their support and reputation the same party suddenly made great proceedings, and in conclusion made their peace as they

would themselves: and although they joined themselves against her, and performed the parts rather of good patriots than of good confederates, and that after great demonstration of valour in her subjects. For as the French will to this day report, specially by the great mortality by the hand of God, and the rather because it is known she did never much affect the holding of that town to her own use; it was left, and her forces withdrawn, yet did that nothing diminish her merit of the crown, and namely of that party who recovered by it such strength, as by that and no other thing they subsisted long after: and lest that any should sinisterly and maliciously interpret that she did nourish those divisions; who knoweth not what faithful advice, continual and earnest solicitation she used by her ambassadors and ministers to the French kings successively, and to their mother, to move them to keep their edicts of pacification, to retain their own authority and greatness by the union of her subjects? Which counsel, if it had been as happily followed, as it was prudently and sincerely given; France at this day had been a most flourishing kingdom, which now is a theatre of misery. And now at last, when the said house of Guise, being one of the whips of God, whereof themselves are but the cords, and Spain the stock, had by their infinite aspiring practices wrought the miracles of states, to make a king in possession long established to play again for his crown, without any title of a competitor, without any invasion of a foreign enemy, yea, without any combination in substance of a blood-royal or nobility; but only by furring in audacious persons into sundry governments, and by making the populace of towns drunk with seditious preachers: and that king Henry the Third, awaked by those pressing dangers, was compelled to execute the duke of Guise without ceremony; and yet nevertheless found the despair of so many persons embarked and engaged in that conspiracy, so violent, as the flame thereby was little assuaged; so that he was inforced to implore her aids and succours. Consider how benign care and good correspondence she gave

to the distressed requests of that king; and he soon after being, by the sacrilegious hand of a wretched Jacobin lifted up against the sacred person of his natural sovereign, taken away, not wherein the criminous blood of Guise, but the innocent blood which he hath often spilled by instigation of him and his house was revenged, and that this worthy gentleman who reigneth come to the crown; it will not be forgotten by so grateful a king, nor by so observing an age, how ready, how opportune and reasonable, how royal and sufficient her succours were, whereby she enlarged him at that time, and preferred him to his better fortune: and ever since in those tedious wars, wherein he hath to do with a Hydra, or a monster with many heads, she hath supported him with treasure, with forces, and with employment of one that she favoureth most. What shall I speak of the offering of Don Anthony to his fortune; a devoted catholic, only commended unto her by his oppressed state? What shall I say of the great storm of a mighty invasion, not of preparation, but in act, by the Turk upon the king of Poland, lately dissipated only by the beams of her reputation: which with the Grand Signor is greater than that of all the states of Europe put together? But let me rest upon the honourable and continual aid and relief she hath gotten to the distressed and desolate people of the Low Countries; a people recommended unto her by ancient confederacy and daily intercourse, by their cause so innocent, and their fortune so lamentable. And yet notwithstanding, to keep the conformity of her own proceeding never stained with the least note of ambition or malice, she refused the sovereignty of divers of those goodly provinces offered unto her with great instance, to have been accepted with great contentment both of her own people and others, and justly to be derived either in respect of the hostility of Spain, or in respect of the conditions, liberties and privileges of those subjects, and without charge, danger, and offence to the king of Spain and his partisans. She hath taken upon her their defence and protection without any further avail or profit unto

herself, than the honour and merit of her benignity to the people that hath been pursued by their natural king only upon passion and wrath, in such sort that he doth consume his means upon revenge. And, having to verify that which I said, that her merits have extended to her greatest enemies; let it be remembered what hath passed in that matter between the king of Spain and her: how in the beginning of the troubles there, she gave and imparted to him faithful and friendly advice touching the course that was to be taken for quieting and appeasing of them. Then she interposed herself to most just and reasonable capitulations, wherein always should have been preserved unto him as ample interest, jurisdiction, and superiority in those countries as he in right could claim, or a prince well-minded would seek to have: and, which is the greatest point, she did by her advice, credit and policy, and all good means, interrupt and appeach, that the same people by despair should not utterly alien and distract themselves from the obedience of the king of Spain, and cast themselves into the arms of a stranger: insomuch, that it is most true, that she did ever persuade the duke of Anjou from that action, notwithstanding the affection she bare to that duke, and the obstinacy which she saw daily growing in the king of Spain. Lastly, to touch the mighty general merit of this queen, bear in mind, that her benignity and beneficence hath been as large as the oppression and ambition of Spain. For to begin with the church of Rome, that pretended apostolic see is become but a donative cell of the king of Spain; the vicar of Christ is become the king of Spain's chaplain; he parteth the coming in of the new pope, for the treasure of the old: he was wont to exclude but some two or three cardinals, and to leave the election of the rest; but now he doth include, and present directly some small number, all incapable and incompatible with the conclave, put in only for colour, except one or two. The states of Italy, they be like little quillets of freehold being intermixt in the midst of a great honour or lordship: France is turned upside

down, the subject against the king, cut and mangled infinitely, a country of Rodamonts and Roytelets, farmers of the ways: Portugal usurped by no other title than strength and vicinity: the Low Countries warred upon, because he seeketh, not to possess them, for they were possessed by him before, but to plant there an absolute and martial government, and to suppress their liberties: the like at this day attempted upon Arragon: the poor Indies, whereas the Christian religion generally brought infranchisement of slaves in all places where it came, in a contrary course are brought from freemen to be slaves, and slaves of most miserable condition: sundry trains and practices of this king's ambition in Germany, Denmark, Scotland, the east towns, are not unknown. Then it is her government, and her government alone, that hath been the sconce and fort of all Europe, which hath lett this proud nation from over-running all. If any state be yet free from his factions erected in the bowels thereof; if there be any state wherein this faction is erected, that is not yet fired with civil troubles; if there be any state under his protection upon whom he usurpeth not; if there be any subject to him that enjoyeth moderate liberty, upon whom he tyrannizeth not: let them all know, it is by the mercy of this renowned queen, that standeth between them and their misfortunes. These be some of the beams of noble and radiant magnanimity, in contempt of peril which so manifestly, in contempt of profit which so many admire, and in merit of the world which so many include in themselves; set forth in my simplicity of speech with much loss of lustre, but with near approach of truth; as the sun is seen in the water.

Now to pass to the excellencies of her person: the view of them wholly and not severally, do make so sweet a wonder, as I fear to divide them. Again, nobility extracted out of the royal and victorious line of the kings of England; yea, both roses, white and red, do as well flourish in her nobility as in her beauty, as health, such as was like she should have that was brought forth by two of the most goodly princes of the A persona.

world, in the strength of their years, in the heat of their love; that hath been injured neither with an over-liberal nor over-curious diet, that hath not been sustained by an umbratile life still under the roof, but strengthened by the use of the pure and open air, that still retaineth flower and vigour of youth. For the beauty and many graces of her presence, what colours are fine enough for such a portraiture? let no light poet be used for such a description, but the chastest and the royalest:

Of her gait; *Et vera incessu patuit Dea.*
Of her voice; *Nec vox hominem sonat.*
Of her eye; *Et lætos oculis afflavit honores.*
Of her colour; *Indum sanguineo veluti violaverit ostro Si quis ebur.*
Of her neck; *Et rosea cervice refulsit.*
Of her breast; *Veste sinus collecta fluentes.*
Of her hair; *Ambrosiæque comæ divinum vertice odorem Spiravere.*

If this be presumption, let him bear the blame that owneth the verses. What shall I speak of her rare qualities of compliment; which as they be excellent in the things themselves, so they have always besides somewhat of a queen: and as queens use shadows and veils with their rich apparel; methinks in all her qualities there is somewhat that flieth from ostentation, and yet inviteth the mind to contemplate her more?

one. What should I speak of her excellent gift of speech, being a character of the greatness of her conceit, the height of her degree, and the sweetness of her nature? What life, what edge is there in those words and glances wherewith at pleasure she can give a man long to think; be it that she mean to daunt him, to encourage him, or to amaze him! How admirable is her discourse, whether it be in learning, state, or love! what variety of knowledge; what rareness of conceit; what choice of words; what grace of utterance! Doth it not appear, that though her wit be as the adamant of excellencies, which draweth out of any book ancient or new, out of any writing or speech, the best;

yet she refineth it, she enricheth it far above the value wherein it is received? And is her speech only that language which the child learneth with pleasure, and not those which the studious learn with industry? Hath she not attained, besides her rare eloquence in her own language, infinitely polished since her happy times, changes of her languages both learned and modern? so that she is able to negotiate with divers ambassadors in their own languages; and that with no disadvantage unto them, who I think cannot but have a great part of their wits distracted from their matters in hand to the contemplation and admiration of such perfections. What should I wonder on to speak of the excellencies of her nature, which cannot endure to be looked on with a discontented eye: of the constancy of her favours, which maketh service as a journey by land, whereas the service of other princes is like an embarking by sea. For her royal wisdom and policy of government, he that shall note and observe the prudent temper she useth in admitting access; of the one side maintaining the majesty of her degree, and on the other side not prejudicing herself by looking to her estate through too few windows: her exquisite judgment in choosing and finding good servants, a point beyond the former, her profound discretion in assigning and appropriating every of them to their aptest employment: her penetrating sight in discovering every man's ends and drifts: her wonderful art in keeping servants in satisfaction, and yet in appetite: her inventing wit in contriving plots and overturns: her exact caution in censuring the propositions of others for her service: her foreseeing events: her usage of occasions: he that shall consider of these, and other things that may not well be touched, as he shall never cease to wonder at such a queen, so he shall wonder the less, that in so dangerous times, when wits are so cunning, humours extravagant, passions so violent, the corruptions so great, the dissimulations so deep, factions so many; she hath notwithstanding done such great things, and reigned in felicity.

A fortuna. To speak of her fortune, that which I did reserve for a garland of her honour; and that is, that she liveth a virgin, and hath no children: so it is that which maketh all her other virtues and acts more sacred, more august, more divine. Let them leave children that leave no other memory in their times: *Brutorum æternitas, soboles.* Revolve in histories the memories of happy men, and you shall not find any of rare felicity but either he died childless, or his line spent soon after his death; or else was unfortunate in his children. Should a man have them to be slain by his vassals, as the *posthumus* of Alexander the Great was? or to call them his imposthumes, as Augustus Cæsar called his? Peruse the catalogue: Cornelius Sylla, Julius Cæsar, Flavius Vespasianus, Severus, Constantinus the Great, and many more. *Generare et liberi, humana: creare et operari, divina.* And therefore, this objection removed, let us proceed to take a view of her felicity.

A felicitate. A mate of fortune she never took: only some adversity she passed at the first, to give her a quicker sense of the prosperity that should follow, and to make her more reposed in the divine providence. Well, she cometh to the crown: It was no small fortune to find at her entrance some such servants and counsellors as she then found. The French king, who at this time, by reason of the peace concluded with Spain, and of the interest he had in Scotland, might have proved a dangerous neighbour: by how strange an accident was he taken away? The king of Spain, who, if he would have inclined to reduce the Low Countries by lenity, considering the goodly revenues which he drew from those countries, the great commodity to annoy her state from thence, might have made mighty and perilous matches against her repose; putteth on a resolution not only to use the means of those countries, but to spend and consume all his other means, the treasure of his Indies, and the forces of his ill-compacted dominions there and upon them. The Carles that rebelled in the North, before the Duke of Nor-

folk's plot, which, indeed, was the strength and seal of that commotion, was fully ripe, brake forth, and prevented their time. The king Sebastian of Portugal, whom the king of Spain would fain have persuaded that it was a devouter enterprise to purge Christendom, than to enlarge it, though I know some think that he did artificially nourish him in that voyage, is cut a-pieces with his army in Africa: then hath the king of Spain work cut out to make all things in readiness during the old cardinal's time for the conquest of Portugal; whereby his desire of invading of England was slackened and put off some years, and by that means was put in execution at a time for some respects much more to his disadvantage. And the same invasion, like and as if it had been attempted before, it had the time much more proper and favourable; so likewise had it in true discourse a better season afterwards: for, if it had been dissolved till time that the League had been better confirmed in France; which no doubt would have been, if the duke of Guise, who was the only man of worth on that side, had lived; and the French king durst never have laid hand upon him, had he not been animated by the English victory against the Spaniards precedent. And then, if some maritime town had been gotten into the hands of the League, it had been a great surety and strength to the enterprise. The popes, to consider of them whose course and policy it had been, knowing her majesty's natural clemency, to have temporized and dispensed with the Papists coming to church, that through the mask of their hypocrisy they might have been brought into places of government in the state and in the country: these, contrariwise, by the instigation of some fugitive scholars that advised him, not that was best for the see of Rome, but what agreed best with their eager humours and desperate states; discover and declare themselves so far by sending most seminaries, and taking of reconcilements, as there is now severity of laws introduced for the repressing of that sort, and men of that religion are become the suspect. What

should I speak of so many conspiracies miraculously detected? the records shew the treasons: but it is yet hidden in many of them how they came to light. What should I speak of the opportune death of her enemies, and the wicked instruments towards her estate? Don Juan died not amiss: Darleigh, duke of Lenox, who was used as an instrument to divorce Scotland from the amity of England, died in no ill season: a man withdrawn indeed at that time to France; but not without great help. I may not mention the death of some that occur to mind: but still methinks, they live that should live, and they die that should die. I would not have the king of Spain die yet; he is *seges gloriæ:* but when he groweth dangerous, or any other besides him; I am persuaded they will die. What should I speak of the fortunes of her armies, which, notwithstanding the inward peace of this nation, were never more renowned? What should I recount Leith and Newhaven for the honourable skirmishes and services? they are no blemish at all to the militia of England.

In the Low Countries; the Lammas day, the retreat of Ghent, the day of Zutphen, and the prosperous progress of this summer: the bravado in Portugal, and the honourable exploits in the aid of the French king, besides the memorable voyages in the Indies; and lastly, the good entertainment of the invincible navy, which was chased till the chasers were weary, after infinite loss, without taking a cock-boat, without firing a sheep-cot, sailed on the mercies of the wind, and the discretion of their adventures, making a perambulation or pilgrimage about the northern seas, and ignobling many shores and points of land by shipwreck: and so returned home with scorn and dishonour much greater, than the terror and expectation of their setting forth.

These virtues and perfections, with so great felicity, have made her the honour of her times, the admiration of the world, the suit and aspiring of greatest kings and princes, who yet durst never have aspired unto her, but as their minds were raised by love.

But why do I forget that words do extenuate and embase matters of so great weight? Time is her best commender, which never brought forth such a prince, whose imperial virtues contend with the excellency of her person: both virtues contend with her fortune: and both virtue and fortune contend with her fame.

Orbis amor, famæ carmen, cælique pupilla:
Tu decus omne tuis, tu decus ipsa tibi!

CERTAIN OBSERVATIONS

UPON A LIBEL PUBLISHED THIS PRESENT YEAR, 1592.

INTITLED,

A DECLARATION OF THE TRUE CAUSES OF THE GREAT TROUBLES, PRESUPPOSED TO BE INTENDED AGAINST THE REALM OF ENGLAND.

It were just and honourable for princes being in wars together, that howsoever they prosecute their quarrels and debates by arms and acts of hostility; yea, though the wars be such, as they pretend the utter ruin and overthrow of the forces and states one of another, yet they so limit their passions as they preserve two things sacred and inviolable; that is, the life and good name each of other. For the wars are no massacres and confusions; but they are the highest trials of right; when princes and states, that acknowledge no superior upon earth, shall put themselves upon the justice of God for the deciding of their controversies by such success, as it shall please him to give on either side. And as in the process of particular pleas between private men, all things ought to be ordered by the rules of civil laws; so in the proceedings of the war, nothing ought to be done against the law of nations, or the law of honour; which laws have ever pronounced these two sorts of men, the one, conspirators against the persons of princes; the other, libellers against their good fame; to be such enemies of common society as are not to be cherished, no not by enemies. For in the examples of times, which were less corrupted, we find that when the greatest heats and extremities of wars, there have been made offers of murderous and traitorous attempts against the person of a prince to the enemy, they have been not only rejected, but also

revealed: and in like manner, when dishonourable mention hath been made of a prince before an enemy prince, by some that have thought therein to please his humour, he hath shewed himself, contrariwise, utterly distasted therewith, and been ready to contest for the honour of an enemy.

According to which noble and magnanimous kind of proceeding, it will be found, that in the whole course of her majesty's proceeding with the king of Spain, since the amity interrupted, there was never any project by her majesty, or any of her ministers, either moved or assented unto, for the taking away of the life of the said king: neither hath there been any declaration or writing of estate, no nor book allowed, wherein his honour hath been touched or taxed, otherwise than for his ambition; a point which is necessarily interlaced with her majesty's own justification. So that no man needeth to doubt but that those wars are grounded, upon her majesty's part, upon just and honourable causes, which have so just and honourable a prosecution; considering it is a much harder matter when a prince is entered into wars to hold respect then, and not to be transported with passion, than to make moderate and just resolutions in the beginnings.

But now if a man look on the other part, it will appear that, rather, as it is to be thought, by the solicitation of traitorous subjects, which is the only poison and corruption of all honourable war between foreigners, or by the presumption of his agents and ministers, than by the proper inclination of that king, there hath been, if not plotted and practised, yet at the least comforted, conspiracies against her majesty's sacred person; which nevertheless God's goodness hath used and turned, to shew by such miraculous discoveries into how near and precious care and custody it hath pleased him to receive her majesty's life and preservation. But in the other point it is strange what a number of libellous and defamatory books and writings, and in what variety, with what art and cunning handled, have been allowed to pass through the world

in all languages against her Majesty and her government; sometimes pretending the gravity and authority of church matters in grave treatises; sometimes formed into remonstrances and advertisements of estate to grave regard; sometimes presented as it were in tragedies of the persecutions of catholics in grave plays; sometimes converted into pleasant pasquils and satires in merry sport: so as there is no shape whereunto these fellows have not transformed themselves; nor no humour nor affection in the mind of man to which they have not applied themselves; thereby to insinuate their untruths and abuses to the world. And indeed let a man look into them, and he shall find them the only triumphant lies that ever were confuted by circumstances of time and place; confuted by contrariety in themselves; confuted by the witness of infinite persons that live yet, and have had particular knowledge of the matters; but yet avouched with such asseveration, as if either they were fallen into that strange disease of the mind, which a wise writer describeth in these words, *fingunt simul creduntque*; or as if they had received it as a principal precept and ordinance of their seminaries, *audacter calumniari, semper aliquid haeret*; or as if they were of the race which in old time were wont to help themselves with miraculous lies. But when the cause of this is entered into, namely, that there passeth over out of this realm a number of eager and unquiet scholars, whom their own turbulent and humorous nature presseth out to seek their adventures abroad; and that, on the other side, they are nourished rather in listening after news and intelligences, and in whisperings, than in any commendable learning; and after a time, when either their necessitous estate, or their ambitious appetites importune them, they fall on devising how to do some acceptable service to that side which maintaineth them; so as ever when their credit waxeth cold with foreign princes, or that their pensions are ill paid, or some preferment is in sight at which they level, straightways out cometh a libel, pretending thereby to keep in life the party, which within the realm is

contrary to the state, wherein they are as wise as he that thinketh to kindle a fire by blowing the dead ashes; when, I say, a man looketh into the cause and ground of this plentiful yield of libels, he will cease to marvel, considering the concurrence which is, as well in the nature of the seed as in the travel of tilling and dressing; yea, and in the fitness of the season for the bringing up of those infectious weeds.

But to verify the saying of our Saviour, *non est discipulus super magistrum;* as they have sought to deprave her majesty's government in herself, so have they not forgotten to do the same in her principal servants and counsellors; thinking, belike, that as the immediate invectives against her majesty do best satisfy the malice of the foreigner, so the slander and calumniation of her principal counsellors agreed best with the humours, of some malecontents within the realm; imagining also, that it was like they should be more scattered here, and freelier dispersed; and also should be less odious to those foreigners which were not merely partial and passionate, who have for the most part in detestation the traitorous libellings of subjects directly against their natural prince.

Amongst the rest in this kind, there hath been published this present year of 1592, a libel that giveth place to none of the rest in malice and untruths; though inferior to most of them in penning and stile; the author having chosen the vein of a Lucianist, and yet being a counterfeit even in that kind. This libel is intitled, *A declaration of the true causes of the great troubles presupposed to be intended against the realm of England;* and hath a semblance as if it were bent against the doings of her majesty's ancient and worthy counsellor the lord Burleigh; whose carefulness and pains her majesty hath used in her counsels and actions of this realm for these thirty-four years space, in all dangerous times, and amidst many and mighty practices; and with such success as our enemies are put still to their paper-shot of such libels as these; the memory of whom will remain in this land, when all these libels shall be extinct and forgot-

ten; according to the Scripture, *Memoria justi cum laudibus, at impiorum nomen putrescet.* But it is more than evident, by the parts of the same book, that the author's malice was to her majesty and her government, as may especially appear in this, that he charged not his lordship with any particular actions of his private life, such power had truth, whereas the libels made against other counsellors have principally insisted upon that part: but hath only wrested and detorted such actions of state, as in times of his service have been managed; and depraving them, hath ascribed and imputed to him the effects that have followed; indeed, to the good of the realm, and the honour of her majesty, though sometimes to the provoking of the malice, but abridging of the power and means of desperate and incorrigible subjects.

All which slanders, as his lordship might justly despise, both for their manifest untruths, and for the baseness and obscurity of the author; so nevertheless, according to the moderation which his lordship useth in all things, never claiming the privilege of his authority, when it is question of satisfying the world, he hath been content that they be not passed over altogether in silence; whereupon I have, in particular duty to his lordship, amongst others that do honour and love his lordship, and that have diligently observed his actions, and in zeal of truth, collected, upon the reading of the said libel, certain observations, not in form of a just answer, lest I should fall into the error whereof Solomon speaketh thus, *Answer not a fool in his own kind, lest thou also be like him;* but only to discover the malice, and to reprove and convict the untruths thereof.

The points that I have observed upon the reading of this libel, are these following:

I. Of the scope or drift of the libeller.

II. Of the present estate of this realm of England, whether it may be truly avouched to be prosperous or afflicted.

III. Of the proceedings against the pretended

catholics, whether they have been violent, or moderate, and necessary.

IV. Of the disturbance of the quiet of Christendom, and to what causes it may be justly imputed.

V. Of the cunning of the libeller, in palliation of his malicious invective against her majesty and the state, with pretence of taxing only the actions of the lord Burleigh.

VI. Certain true general notes upon the actions of the lord Burleigh.

VII. Of divers particular untruths and abuses dispersed through the libel.

VIII. Of the height of impudency that these men are grown unto, in publishing and avouching untruths; with a particular recital of some of them for an assay.

I. Of the scope or drift of the libeller.

It is good advice, in dealing with cautelous and malicious persons, whose speech is ever at distance with their meanings, *non quid dixerint, sed quo spectarint, videndum:* a man is not to regard what they affirm, or what they hold; but what they would convey under their pretended discovery, and what turn they would serve. It soundeth strangely in the ears of an Englishman, that the miseries of the present state of England exceed them of former times whatsoever. One would straightway think with himself, doth this man believe what he saith? Or, not believing it, doth he think it possible to make us believe it? Surely, in my conceit, neither of both; but his end, no doubt, was to round the pope and the king of Spain in the ear, by seeming to tell a tale to the people of England. For such books are ever wont to be translated into divers languages; and, no doubt, the man was not so simple as to think he could persuade the people of England the contrary of what they taste and feel. But he thought he might better abuse the states abroad, if he directed his speech to them who could best convict him, and disprove him if he said untrue; so that as Livy saith in the like case, *Ætolos magis, coram quibus verba facerent, quam ad quos, pensi habere;*

That the Ætolians, in their tale, did more respect those who did overhear them, than those to whom they directed their speech: so in this matter this fellow cared not to be counted a lyar by all English, upon price of deceiving of Spain and Italy; for it must be understood, that it hath been the general practice of this kind of men many years, of the one side, to abuse the foreign estates, by making them believe that all is out of joint and ruinous here in England, and that there is great part ready to join with the invader; and on the other side, to make the evil subjects of England believe of great preparations abroad, and in great readiness to be put in act, and so to deceive on both sides: and this I take to be his principal drift. So again, it is an extravagant and incredible conceit, to imagine that all the conclusions and actions of estate which have passed during her majesty's reign, should be ascribed to one counsellor alone; and to such an one as was never noted for an imperious or overruling man; and to say, that though he carried them not by violence, yet he compassed them by device, there is no man of judgment that looketh into the nature of these times, but will easily descry that the wits of these days are too much refined for any man to walk invisible, or to make all the world his instruments; and therefore, no not in this point assuredly, the libeller spake as he thought; but this he foresaw, that the imputation of cunning doth breed suspicion, and the imputation of greatness and sway doth breed envy; and therefore finding where he was most wrong, and by whose policy and experience their plots were most crossed, the mark he shot at was to see whether he could heave at his lordship's authority, by making him suspected to the queen, or generally odious to the realm; knowing well enough for the one point, that there are not only jealousies, but certain revolutions in princes minds: so that it is a rare virtue in the rarest princes to continue constant to the end in their favours and employments. And knowing for the other point, that envy ever accompanieth greatness, though never so well deserved: and that his lordship hath

always marched a round and a real course in service; and as he hath not moved envy by pomp and ostentation, so hath he never extinguished it by any popular or insinuative carriage of himself: and this no doubt was his second drift.

A third drift was, to assay if he could supplant and weaken, by this violent kind of libelling, and turning the whole imputation upon his lordship, his resolution and courage; and to make him proceed more cautelously, and not so throughly and strongly against them; knowing his lordship to be a politic man, and one that hath a great stake to lose.

Lastly, lest, while I discover the cunning and art of this fellow, I should make him wiser than he was, I think a great part of this book was passion; *difficile est tacere, cum doleas.* The humours of these men being of themselves eager and fierce, have, by the abort and blasting of their hopes, been blinded and enraged. And surely this book is, of all that sort that have been written, of the meanest workmanship; being fraughted with sundry base scoffs, and cold amplifications, and other characters of despite; but void of all judgment or ornament.

II. Of the present estate of this realm of England, whether it may be truly avouched to be prosperous or afflicted.

The benefits of almighty God upon this land, since the time that in his singular providence he led as it were by the hand, and placed in the kingdom, his servant our queen Elizabeth, are such, as not in boasting, or in confidence of ourselves, but in praise of his holy name, are worthy to be both considered and confessed, yea, and registered in perpetual memory: notwithstanding, I mean not after the manner of a panegyric to extol the present time: it shall suffice only that those men, that through the gall and bitterness of their own heart have lost their taste and judgment, and would deprive God of his glory, and us of our senses, in affirming our condition to be miserable, and

full of tokens of the wrath and indignation of God, be reproved.

If then it be true, that *nemo est miser, aut felix, nisi comparatus;* whether we shall, keeping ourselves within the compass of our own island, look into the memories of times past, or at this present time take a view of other states abroad in Europe, we shall find that we need not give place to the happiness either of ancestors or neighbours. For if a man weigh well all the parts of state and religion, laws, administration of justice, policy of government, manners, civility, learning and liberal sciences, industry and manual arts, arms and provisions of wars for sea and land, treasure, traffic, improvement of the soil, population, honour and reputation, it will appear that, taking one part with another, the state of this nation was never more flourishing.

It is easy to call to remembrance, out of histories, the kings of England which have in more ancient times enjoyed greatest happiness; besides her majesty's father and grandfather, that reigned in rare felicity, as is fresh in memory. They have been king Henry I. king Henry II. king Henry III. king Edward I. king Edward III. king Henry V. All which have been princes of royal virtue, great felicity, and famous memory. But it may be truly affirmed, without derogation to any of these worthy princes, that whatsoever we find in libels, there is not to be found in the English chronicles, a king that hath, in all respects laid together, reigned with such felicity as her majesty hath done. For as for the first three Henries, the first came in too soon after a conquest; the second too soon after an usurpation; and the third too soon after a league, or barons war, to reign with security and contentation. King Henry I. also had unnatural wars with his brother Robert, wherein much nobility was consumed: he had therewithal tedious wars in Wales; and was not without some other seditions and troubles; as namely the great contestation of his prelates. King Henry II. his happiness was much deformed by the revolt of his son Henry, after he had associated

him, and of his other sons. King Henry III. besides his continual wars in Wales, was after forty-four years reign unquieted with intricate commotions of his barons; as may appear by the mad parliament held at Oxford, and the acts thereupon ensuing. His son Edward I. had a more flourishing time than any of the other; came to his kingdom at ripe years, and with great reputation, after his voyage into the Holy Land, and was much loved and obeyed, contrived his wars with great judgment: first having reclaimed Wales to a settled allegiance, and being upon the point of uniting Scotland. But yet I suppose it was more honour for her majesty to have so important a piece of Scotland in her hand, and the same with such justice to render up, than it was for that worthy king to have advanced in such forwardness the conquest of that nation. And for king Edward III. his reign was visited with much sickness and mortality; so as they reckoned in his days three several mortalities; one in the 22d year, another in the 35th year, and the last in the 43d year of his reign; and being otherwise victorious and in prosperity, was by that only cross more afflicted, than he was by the other prosperities comforted. Besides, he entered hardly; and again, according to the verse, *cedebant ultima primis*, his latter times were not so prosperous. And for king Henry V. as his success was wonderful, so he wanted continuance; being extinguished after ten years reign in the prime of his fortunes.

Now for her majesty, we will first speak of the blessing of continuance, as that which wanted in the happiest of these kings; and is not only a great favour of God unto the prince, but also a singular benefit unto the people; for that sentence of the Scripture, *misera natio cum multi sunt principes ejus*, is interpreted not only to extend to divisions and distractions in government, but also to frequent changes in succession: considering, that the change of a prince bringeth in many charges, which are harsh and unpleasant to a great part of the subjects. It appeareth then, that of the line of five hundred and fourscore

1. Continuance.

years, and more, containing the number of twenty-two kings, God hath already prolonged her majesty's reign to exceed sixteen of the said two and twenty; and by the end of this present year, which God prosper, she shall attain to be equal with two more: during which time there have deceased four emperors, as many French kings; twice so many bishops of Rome. Yea, every state in Christendom, except Spain, have received sundry successions. And for the king of Spain, he is waxed so infirm, and thereby so retired, as the report of his death serveth for every year's news: whereas her majesty, thanks be given to God, being nothing decayed in vigour of health and strength, was never more able to supply and sustain the weight of her affairs, and is, as far as standeth with the dignity of her majesty's royal state, continually to be seen, to the great comfort and heart-ease of her people.

2. Health. Secondly, we will mention the blessing of health: I mean generally of the people, which was wanting in the reign of another of these kings; which else deserved to have the second place in happiness, which is one of the great favours of God towards any nation. For as there be three scourges of God, war, famine, and pestilence; so are there three benedictions, peace, plenty, and health. Whereas therefore this realm hath been visited in times past with sundry kinds of mortalities, as pestilences, sweats, and other contagious diseases, it is so, that in her majesty's times, being of the continuance aforesaid, there was only, towards the beginning of her reign, some sickness, between June and February, in the city; but not dispersed into any other part of the realm, as was noted; which we call yet the great plague; because that though it was nothing so grievous and so sweeping as it hath been sundry times heretofore, yet it was great in respect of the health which hath followed since; which hath been such, especially of late years, as we began to dispute and move questions of the causes whereunto it should be ascribed, until such time as it pleased God to teach us that we ought to ascribe it only to his

nercy, by touching us a little this present year, but with a very gentle hand; and such as it hath pleased him since to remove. But certain it is, for so many years together, notwithstanding the great pestering of people in houses, the great multitude of strangers, and the sundry voyages by seas, all which have been noted to be causes of pestilence, the health universal of the people was never so good.

The third blessing is that which all the politic and fortunate kings before recited have wanted; that is, peace: for there was never foreigner since her majesty's reign, by invasion or incursion of moment, that took any footing within the realm of England. One rebellion there hath been only, but such an one as was repressed within the space of seven weeks, and did not waste the realm so much as by the destruction or depopulation of one poor town. And for wars abroad, taking in those of Leith, those of Newhaven, the second expedition into Scotland, the wars of Spain, which I reckon from the year 86 or 87, (before which time neither had the king of Spain withdrawn his ambassadors here residing; neither had her majesty received into protection the United Provinces of the Low Countries,) and the aid of France; they have not occupied in time a third part of her majesty's reign; nor consumed past two of any noble house; whereof France took one, and Flanders another; and very few besides of quality or appearance. They have scarce mowed down the overcharge of the people within the realm. It is therefore true, that the kings aforesaid, and others her majesty's progenitors, have been victorious in their wars, and have made many famous and memorable voyages and expeditions into sundry parts; and that her majesty, contrariwise, from the beginning, put on a firm resolution to content herself within those limits of her dominions which she received, and to entertain peace with her neighbour princes; which resolution she hath ever since, notwithstanding she hath had rare opportunities, just claims and pretences, and great and mighty means, sought to continue. But if this be objected to be the

3. Peace.

less honourable fortune; I answer, that ever amongst the heathen, who held not the expence of blood so precious as Christians ought to do, the peaceable government of Augustus Cæsar was ever as highly esteemed as the victories of Julius his uncle; and that the name of *pater patriæ* was ever as honourable as that of *propagator imperii*. And this I add further, that during this inward peace of so many years in the actions of war before mentioned, which her majesty, either in her own defence or in just and honourable aids, hath undertaken, the service hath been such as hath carried no note of a people, whose militia were degenerated through long peace; but hath every way answered the ancient reputation of the English arms.

4. Plenty and wealth.

The fourth blessing is plenty and abundance: and first for grain and all victuals, there cannot be more evident proof of the plenty than this; that whereas England was wont to be fed by other countries from the east, it sufficeth now to feed other countries; so as we do many times transport and serve sundry foreign countries: and yet there was never the like multitude of people to eat it within the realm. Another evident proof thereof may be, that the good yields of corn which have been, together with some toleration of vent, hath of late time invited and enticed men to break up more ground, and to convert it to tillage, than all the penal laws for that purpose made and enacted could ever by compulsion effect. A third proof may be, that the prices of grain and victual were never of late years more reasonable. Now for arguments of the great wealth in all other respects, let the points following be considered.

There was never the like number of fair and stately houses as have been built and set up from the ground since her majesty's reign; insomuch, that there have been reckoned in one shire that is not great, to the number of thirty-three, which have been all new built within that time; and whereof the meanest was never built for two thousand pounds.

There were never the like pleasures of goodly gardens and orchards, walks, pools, and parks, as do adorn almost every mansion-house.

There was never the like number of beautiful and costly tombs and monuments which are erected in sundry churches, in honourable memory of the dead.

There was never the like quantity of plate, jewels, sumptuous moveables, and stuff, as is now within the realm.

There was never the like quantity of waste and unprofitable ground, inned, reclaimed, and improved.

There was never the like husbanding of all sorts of grounds by fencing, manuring, and all kinds of good husbandry.

The towns were never better built nor peopled; nor the principal fairs and markets ever better customed or frequented.

The commodities and ease, of rivers cut by hand, and brought into a new channel; of piers that have been built; of waters that have been forced and brought against the ground, were never so many.

There was never so many excellent artificers, nor so many new handy-crafts used and exercised; nor new commodities made within the realm; sugar, paper, glass, copper, divers silks, and the like.

There was never such complete and honourable provision of horse, armour, weapons, ordnance of the war.

The fifth blessing hath been the great population and multitude of families increased within her majesty's days: for which point I refer myself to the proclamations of restraint of building in London, the inhibition of inmates of sundry cities, the restraint of cottages by act of parliament, and sundry other tokens of record of the surcharge of people. 5. Increase of people.

Besides these parts of a government, blessed from God, wherein the condition of the people hath been more happy in her majesty's times, than in the times of her progenitors, there are certain singularities and particulars of her majesty's reign; wherein I do not say, that we have enjoyed them in a more ample degree and proportion than in former ages, as it hath fallen out in the points before mentioned, but such as 6. Reformation in religion.

were in effect unknown and untasted heretofore. As first, the purity of religion, which is a benefit inestimable, and was in the time of all former princes, until the days of her majesty's father of famous memory, unheard of. Out of which purity of religion have since ensued, beside the principal effect of the true knowledge and worship of God, three points of great consequence unto the civil estate.

The special benefits established among us by the purity of religion.

One, the stay of a mighty treasure within the realm, which in foretimes was drawn forth to Rome. Another, the dispersion and distribution of those revenues, amounting to a third part of the land of the realm, and that of the goodliest and the richest sort, which heretofore was unprofitably spent in monasteries, into such hands as by whom the realm receiveth, at this day, service and strength; and many great houses have been set up and augmented. The third, the managing and enfranchising of the regal dignity from the recognition of a foreign superior. All which points, though begun by her father, and continued by her brother, were yet nevertheless, after an eclipse or intermission, restored and re-established by her majesty's self.

Fineness of money.

Secondly, the fineness of money: for as the purging away of the dross of religion, the heavenly treasure, was common to her majesty with her father and her brother, so the purging of the base-money, the earthly treasure, hath been altogether proper to her majesty's own times; whereby our moneys bearing the natural estimation of the stamp or mark, both every man resteth assured of his own value, and free from the losses and deceits which fall out in other places upon the rising and falling of moneys.

The might of the navy.

Thirdly, the might of the navy, and augmentation of the shipping of the realm; which, by politic constitutions for maintenance of fishing, and the encouragement and assistance given to the undertakers of new discoveries and trades by sea, is so advanced, as this island is become, as the natural site thereof deserveth, the lady of the sea.

Now, to pass from the comparison of time to the

comparison of place, we may find in the states abroad cause of pity and compassion in some; but of envy or emulation in none; our condition being, by the good favour of God, not inferior to any.

Comparison of the state of England with the states abroad.

The kingdom of France, which, by reason of the seat of the empire of the west, was wont to have the precedence of the kingdoms of Europe, is now fallen into those calamities, that, as the prophet saith, *From the crown of the head to the sole of the foot, there is no whole place.* The divisions are so many, and so intricate, of protestants and catholics, royalists and leaguers, Bourbonists and Lorainists, patriots and Spanish; as it seemeth God hath some great work to bring to pass upon that nation: yea, the nobility divided from the third estate, and the towns from the field. All which miseries, truly to speak, have been wrought by Spain and the Spanish faction.

Afflicted in France.

Low Countries.

The Low Countries, which were, within the age of a young man, the richest, the best peopled, and the best built plots of Europe, are in such estate, as a country is like to be in, that hath been the seat of thirty years war: and although the sea-provinces be rather increased in wealth and shipping than otherwise; yet they cannot but mourn for their distraction from the rest of their body.

Portugal.

The kingdom of Portugal, which of late times, through their merchandizing and places in the East Indies, was grown to be an opulent kingdom, is now at the last, after the unfortunate journey of Afric, in that state as a country is like to be, that is reduced under a foreigner by conquest; and such a foreigner as hath his competitor in title, being a natural Portugal and no stranger; and having been once in possession, yet in life; whereby his jealousy must necessarily be increased, and through his jealousy their oppression: which is apparent, by the carrying of many noble families out of their natural countries to live in exile, and by putting to death a great number of noblemen, naturally born to have been principal governors of their countries. These are three afflicted parts

of Christendom; the rest of the states enjoy either prosperity or tolerable condition.

Prosperous, as Scotland. The kingdom of Scotland, though at this present, by the good regiment and wise proceeding of the king, they enjoy good quiet; yet since our peace it hath passed through no small troubles, and remaineth full of boiling and swelling humours; but like, by the maturity of the said king every day increasing, to be repressed.

Poland. The kingdom of Poland is newly recovered out of great wars about an ambiguous election. And besides, is a state of that composition, that their king being elective, they do commonly choose rather a stranger than one of their own country: a great exception to the flourishing estate of any kingdom.

Sweden. The kingdom of Swedeland, besides their foreign wars upon their confines, the Muscovites and the Danes, hath been also subject to divers intestine tumults and mutations, as their stories do record.

Denmark. The kingdom of Denmark hath had good times, especially by the good government of the late king, who maintained the profession of the gospel; but yet greatly giveth place to the kingdom of England, in climate, wealth, fertility, and many other points both of honour and strength.

Italy. The estates of Italy, which are not under the dominion of Spain, have had peace equal in continuance with ours, except in regard of that which hath passed between them and the Turk, which hath sorted to their honour and commendation; but yet they are so bridled and over-awed by the Spaniard, that possesseth the two principal members thereof, and that in the two extreme parts, as they be like quillets of freehold, being intermixed in the midst of a great honour or lordship; so as their quiet is intermingled, not with jealousy alone, but with restraint.

Germany. The states of Germany have had for the most part peaceable times; but yet they yield to the state of England; not only in the great honour of a great kingdom, they being of a mean stile and dignity, but also in many other respects both of wealth and policy,

The state of Savoy having been in the old duke's time governed in good prosperity, hath since (notwithstanding their new great alliance with Spain, whereupon they waxed insolent, to design to snatch up some piece of France, after the dishonourable repulse from the siege of Geneva) been often distressed by a particular gentleman of Dauphiny; and at this present day the duke feeleth, even in Piedmont beyond the mountains, the weight of the same enemy; who hath lately shut up his gates and common entries between Savoy and Piedmont. Savoy.

So as hitherto I do not see but that we are as much bound to the mercies of God as any other nation; considering that the fires of dissension and oppression in some parts of Christendom, may serve us for lights to shew us our happiness; and the good estates of other places, which we do congratulate with them for, is such, nevertheless, as doth not stain and exceed ours; but rather doth still leave somewhat, wherein we may acknowledge an ordinary benediction of God.

Lastly, we do not much emulate the greatness and glory of the Spaniards; who having not only excluded the purity of religion, but also fortified against it, by their device of the inquisition, which is a bulwark against the entrance of the truth of God; having, in recompence of their new purchase of Portugal, lost a great part of their ancient patrimonies of the Low Countries, being of far greater commodity and value, or at the least holding part thereof in such sort as most of their other revenues are spent there upon their own; having lately, with much difficulty, rather smoothed and skinned over, than healed and extinguished the commotions of Aragon; having rather sowed troubles in France, than reaped assured fruit thereof unto themselves; having from the attempt of England received scorn and disreputation; being at this time with the states of Italy rather suspected than either loved or feared; having in Germany, and elsewhere, rather much practice, than any sound intelligence or amity; having no such clear succession as they need object, and reproach the uncertainty thereof unto another Spain.

nation; have in the end won a reputation rather of ambition than justice; and, in the pursuit of their ambition, rather of much enterprising than of fortunate atchieving; and in their enterprising, rather of doing things by treasure and expence, than by forces and valour.

Now that I have given the reader a taste of England respectively, and in comparison of the times past, and of the states abroad, I will descend to examine the libeller's own divisions, whereupon let the world judge how easily and clean this ink, which he hath cast in our faces, is washed off.

The first branch of the pretended calamities of England, is the great and wonderful confusion which, he saith, is in the state of the Church; which is subdivided again into two parts: the one, the prosecutions against the catholics; the other, the discords and controversies amongst ourselves: the former of which two parts I have made an article by itself; wherein I have set down a clear and simple narration of the proceedings of state against that sort of subjects; adding this by the way, that there are two extremities in state concerning the causes of faith and religion; that is to say, the permission of the exercises of more religions than one, which is a dangerous indulgence and toleration; the other is the entering and sifting into mens consciences when no overt scandal is given, which is rigorous and strainable inquisition; and I avouch the proceedings towards the pretended catholics to have been a mean between these two extremities, referring the demonstration thereof unto the aforesaid narration in the articles following.

Concerning the controversies in our Church.

Touching the divisions in our Church, the libeller affirmeth that the protestantical Calvinism, for so it pleaseth him with very good grace to term the religion with us established, is grown contemptible, and detected of idolatry, heresy, and many other superstitious abuses, by a purified sort of professors of the same gospel. And this contention is yet grown to be more intricate, by reason of a third kind of gospellers called Brownists: who, being directed by the great fervour

of the unholy ghost, do expressly affirm, that the protestantical Church of England is not gathered in the name of Christ, but of Antichrist; and that if the prince or magistrate under her do refuse or defer to reform the Church, the people may, without her consent, take the reformation into their own hands: and hereto he addeth the fanatical pageant of Hacket. And this is the effect of this accusation in this point.

For answer whereunto, first, it must be remembered that the Church of God hath been in all ages subject to contentions and schisms: the tares were not sown but where the wheat was sown before. Our Saviour Christ delivered it for an ill note to have outward peace; saying, *when a strong man is in possession of the house,* meaning the devil, *all things are in peace.* It is the condition of the Church to be ever under trials; and there are but two trials; the one of persecution, the other of scandal and contention; and when the one ceaseth, the other succeedeth: nay, there is scarce any one epistle of St. Paul's unto the churches, but containeth some reprehension of unnecessary and schismatical controversies. So likewise in the reign of Constantine the Great, after the time that the Church had obtained peace from persecution, straight entered sundry questions and controversies, about no less matters than the essential parts of the faith, and the high mysteries of the Trinity. But reason teacheth us, that in ignorance and implied belief it is easy to agree, as colours agree in the dark: or if any country decline into atheism, then controversies wax dainty, because men do think religion scarce worth the falling out for; so as it is weak divinity to account controversies an ill sign in the Church.

It is true that certain men, moved with an inconsiderate detestation of all ceremonies or orders, which were in use in the time of the Roman religion, as if they were without difference superstitious or polluted, and led with an affectionate imitation of the government of some protestant churches in foreign states; have sought by books and preaching, indiscreetly, and

sometimes undutifully, to bring in an alteration in the external rites and policy of the Church; but neither have the grounds of the controversies extended unto any point of faith; neither hath the pressing and prosecution exceeded, in the generality, the nature of some inferior contempts: so as they have been far from heresy and sedition, and therefore rather offensive than dangerous to the Church or state.

And as for those which we call Brownists, being, when they were at the most, a very small number of very silly and base people, here and there in corners dispersed, they are now, thanks be to God, by the good remedies that have been used, suppressed and worn out; so as there is scarce any news of them. Neither had they been much known at all, had not Brown their leader written a pamphlet, wherein, as it came into his head, he inveighed more against logic and rhetoric, than against the state of the Church, which writing was much read; and had not also one Barrow, being a gentleman of a good house, but one that lived in London at ordinaries, and there learned to argue in table-talk, and so was very much known in the city and abroad, made a leap from a vain and libertine youth, to a preciseness in the highest degree; the strangeness of which alteration made him very much spoken of; the matter might long before have breathed out. And here I note an honesty and discretion in the libeller, which I note no where else; in that he did forbear to lay to our charge the sect of the Family of Love; for, about twelve years since, there was creeping in, in some secret places of the realm, indeed a very great heresy, derived from the Dutch, and named as was before said; which since, by the good blessing of God, and by the good strength of our Church, is banished and extinct. But so much we see, that the diseases wherewith our Church hath been visited, whatsoever these men say, have either not been malign and dangerous, or else they have been as blisters in some small ignoble part of the body, which have soon after fallen and gone away. For such also was the phrenetical and fanatical, for I mean not to

determine it, attempt of Hacket, who must needs have been thought a very dangerous heretic, that could never get but two disciples; and those, as it should seem, perished in their brain; and a dangerous commotioner, that in so great and populous a city as London is, could draw but those same two fellows, whom the people rather laughed at as a may-game, than took any heed of what they did or said: so as it was very true that an honest poor woman said when she saw Hacket out of a window pass to his execution; said she to herself, "It was foretold that in the latter days "there should come those that have deceived many; "but in faith thou hast deceived but few."

But it is manifest untruth which the libeller setteth down, that there hath been no punishment done upon those which in any of the foresaid kinds have broken the laws, and disturbed the Church and state; and that the edge of the law hath been only turned upon the pretended catholics: for the examples are very many, where, according to the nature and degree of the offence, the correction of such offenders hath not been neglected.

These be the great confusions whereof he hath accused our Church, which I refer to the judgment of an indifferent and understanding person, how true they be: my meaning is not to blanch or excuse any fault of our Church; nor on the other side to enter into commemoration, how flourishing it is in great and learned divines, or painful and excellent preachers; let men have the reproof of that which is amiss, and God the glory of that which is good. And so much for the first branch.

Concerning the foreign enemies of this state.

In the second branch, he maketh great musters and shews of the strength and multitude of the enemies of this state; declaring in what evil terms and correspondence we stand with foreign states, and how desolate and destitute we are of friends and confederates; doubting belike, how he should be able to prove and justify his assertion touching the present miseries, and therefore endeavouring at the least to maintain, that the good estate which we enjoy, is yet

made somewhat bitter by reason of many terrors and fears. Whereupon entering into consideration of the security, wherein not by our own policy, but by the good providence and protection of God, we stand at this time, I do find it to be a security of that nature and kind, which Iphicrates the Athenian did commend; who being a commissioner to treat with the state of Sparta upon conditions of peace, and hearing the other side make many propositions touching security, interrupted them and told them, there was but one manner of security whereupon the Athenians could rest; which was, if the deputies of the Lacedæmonians could make it plain unto them, that, after these and these things parted withal, the Lacedæmonians should not be able to hurt them though they would. So it is with us, as we have not justly provoked the hatred or enmity of any other state, so howsoever that be, I know not at this time the enemy that hath the power to offend us though he had the will.

And whether we have given just cause of quarrel or offence, it shall be afterwards touched in the fourth article, touching the true causes of the disturbance of the quiet of Christendom, as far as it is fit to justify the actions of so high a prince upon the occasion of such a libel as this. But now concerning the power and forces of any enemy, I do find that England hath sometimes apprehended with jealousy the confederation between France and Scotland; the one being upon the same continent that we are, and breeding a soldier of puissance and courage, not much differing from the English: the other a kingdom very opulent, and thereby able to sustain wars, though at very great charge; and having a brave nobility; and being a near neighbour. And yet of this conjunction there never came any offence of moment: but Scotland was ever rather used by France as a diversion of an English invasion upon France, than as a commodity of a French invasion upon England. I confess also, that since the unions of the kingdom of Spain, and during the time the kingdom of France was in his entire, a conjunction of those two potent kingdoms against us might have been

of some terror to us. But now it is evident, that the state of France is such as both those conjunctions are become impossible: it resteth that either Spain with Scotland should offend us, or Spain alone. For Scotland, thanks be to God, the amity and intelligence is so sound and secret between the two crowns, being strengthened by consent in religion, nearness of blood, and continual good offices reciprocally on either side, as the Spaniard himself, in his own plot, thinketh it easier to alter and overthrow the present state of Scotland than to remove and divide it from the amity of England. So as it must be Spain alone that we should fear, which should seem, by reason of its spacious dominions, to be a great overmatch. The conceit whereof maketh me call to mind the resemblance of an ancient writer in physick; who, labouring to persuade that a physician should not doubt sometimes to purge his patient, though he seem very weak, entereth into a distinction of weakness; and saith, there is a weakness of spirit, and a weakness of body; the latter whereof he compareth unto a man that were otherwise very strong, but had a great pack on his neck, so great as made him double again, so as one might thrust him down with his finger: which similitude and distinction both may be fitly applied to matter of state; for some states are weak through want of means, and some weak through excess of burthen; in which rank I do place the state of Spain, which having out-compassed itself in embracing too much; and being itself but a barren seed-plot of soldiers, and much decayed and exhausted of men by the Indies, and by continual wars; and as to the state of their treasure, being indebted and engaged before such times as they waged so great forces in France, and therefore much more since, is not in brief an enemy to be feared by a nation seated, manned, furnished, and policed as is England.

Neither is this spoken by guess, for the experience was substantial enough, and of fresh memory in the late enterprise of Spain upon England: what time all that goodly shipping, which in that voyage was con-

sumed, was complete; what time his forces in the Low-Countries were also full and entire, which now are wasted to a fourth part; what time also he was not intangled with the matters of France, but was rather like to receive assistance than impediment from his friends there, in respect of the great vigour wherein the league then was, while the duke of Guise then lived; and yet nevertheless this great preparation passed away like a dream. The invincible navy neither took any one barque of ours, neither yet once offered to land; but after they had been well beaten and chased, made a perambulation about the northern seas; ennobling many coasts with wrecks of mighty ships; and so returned home with greater derision than they set forth with expectation.

So as we shall not need much confederacies and succours, which he saith we want for breaking of the Spanish invasion, no, though the Spaniard should nestle in Britain, and supplant the French, and get some port-towns into their hands there, which is yet far off, yet shall he never be so commodiously seated to annoy us, as if he had kept the Low-countries: and we shall rather fear him as a wrangling neighbour, that may trespass now and then upon some straggling ships of ours, than as an invader. And as for our confederacies, God hath given us both means and minds to tender and relieve the states of others; and therefore our confederacies are rather of honour than such as we depend upon. And yet nevertheless the apostatas and huguenots of France on the one part, for so he termeth the whole nobility in a manner of France, among the which a great part is of his own religion; which maintain the clear and unblemished title of their lawful and natural king against the seditious populace, and the beer-brewers and basket-makers of Holland and Zealand, as he also terms them, on the other, have almost bandied away between them all the duke of Parma's forces; and I suppose the very mines of the Indies will go low, or ever the one be ruined, or the other recovered. Neither again desire we better confederacies and leagues than Spain itself hath provided for us: *Non*

enim verbis fœdera confirmantur, sed iisdem utilitatibus. We know to how many states the king of Spain is odious and suspected; and for ourselves we have incensed none by our injuries, nor made any jealous of our ambition: these are in rules of policy the firmest contracts.

Let thus much be said in answer of the second branch, concerning the number of exterior enemies: wherein my meaning is nothing less than to attribute our felicity to our policy; or to nourish ourselves in the humour of security. But I hope we shall depend upon God and be vigilant; and then it will be seen to what end these false alarms will come.

In the third branch of the miseries of England, he taketh upon him to play the prophet, as he hath in all the rest played the poet; and will needs divine or prognosticate the great troubles whereunto this realm shall fall after her majesty's times; as if he that hath so singular a gift in lying of the present time and times past, had nevertheless an extraordinary grace in telling truth of the time to come; or, as if the effect of the pope's curses of England were upon better advice adjourned to those days. It is true, it will be misery enough for this realm, whensoever it shall be, to lose such a sovereign: but for the rest, we must repose ourselves upon the good pleasure of God. So it is an unjust charge in the libeller to impute an accident of state to the fault of the government.

It pleaseth God sometimes, to the end to make men depend upon him the more, to hide from them the clear sight of future events; and to make them think that full of uncertainties which proveth certain and clear: and sometimes, on the other side, to cross mens expectations, and to make them full of difficulty and perplexity in that which they thought to be easy and assured. Neither is it any new thing for the titles of succession in monarchies to be at times less or more declared. King Sebastian of Portugal, before his journey into Africk, declared no successor. The cardinal, though he were of extreme age, and were much importuned by the king of Spain, and knew di-

rectly of six or seven competitors to that crown, yet he rather established I know not what interims, than decided the titles, or designed any certain successor. The dukedom of Ferrara is at this day, after the death of the prince that now liveth, uncertain in the point of succession: the kingdom of Scotland hath declared no successor. Nay, it is very rare in hereditary monarchies, by any act of state, or any recognition or oath of the people in the collateral line, to establish a successor. The duke of Orleans succeeded Charles VIII. of France, but was never declared successor in his time. Monsieur d'Angulesme also succeeded him, but without any designation. Sons of kings themselves oftentimes, through desire to reign and to prevent their time, wax dangerous to their parents: how much more cousins in a more remote degree? It is lawful, no doubt, and honourable, if the case require, for princes to make an establishment: but, as it was said, it is rarely practised in the collateral line. Trajan, the best emperor of Rome, of an heathen, that ever was, at what time the emperors did use to design successors, not so much to avoid the uncertainty of succession, as to the end, to have *participes curarum* for the present time, because their empire was so vast; at what time also adoptions were in use, and himself had been adopted; yet never designed a successor, but by his last will and testament, which also was thought to be suborned by his wife Plotina in the favour of her lover Adrian.

You may be sure that nothing hath been done to prejudice the right; and there can be but one right. But one thing I am persuaded of, that no king of Spain, nor bishop of Rome, shall umpire, or promote any beneficiary, or feodatory king, as they designed to do; even when the Scots queen lived, whom they pretended to cherish. I will not retort the matter of succession upon Spain, but use that modesty and reverence, that belongeth to the majesty of so great a king, though an enemy. And so much for this third branch.

The fourth branch he maketh to be touching the

overthrow of the nobility and the oppression of the people: wherein though he may percase abuse the simplicity of any foreigner; yet to an Englishman, or any that heareth of the present condition of England, he will appear to be a man of singular audacity, and worthy to be employed in the defence of any paradox. And surely if he would needs have defaced the general state of England, at this time, he should in wisdom rather have made some frierly declamation against the excess of superfluity and delicacy of our times, than to have insisted upon the misery and poverty and depopulation of the land, as may sufficiently appear by that which hath been said.

Concerning the state of the nobility.

But nevertheless, to follow this man in his own steps: first, concerning the nobility; it is true, that there have been in ages past, noblemen, as I take it, both of greater possessions and of greater command and sway than any are at this day. One reason why the possessions are less, I conceive to be, because certain sumptuous veins and humours of expence, as apparel, gaming, maintaining of a kind of followers, and the like, do reign more than they did in times past. Another reason is, because noblemen now-a-days do deal better with their younger sons than they were accustomed to do heretofore, whereby the principal house receiveth many abatements. Touching the command, which is not indeed so great as it hath been, I take it rather to be a commendation of the time, than otherwise: for men were wont factiously to depend upon noblemen, whereof ensued many partialities and divisions, besides much interruption of justice, while the great ones did seek to bear out those that did depend upon them. So as the kings of this realm, finding long since that kind of commandment in noblemen unsafe unto their crown, and inconvenient unto their people, thought meet to restrain the same by provision of laws; whereupon grew the statute of retainers; so as men now depend upon the prince and the laws, and upon no other; a matter which hath also a congruity with the nature of the time, as may be seen in other countries; namely,

in Spain, where their grandees are nothing so potent and so absolute as they have been in times past. But otherwise, it may be truly affirmed, that the rights and pre-eminencies of the nobility were never more duly and exactly preserved unto them, than they have been in her majesty's time; the precedence of knights given to the younger sons of barons; no *subpœnas* awarded against the nobility out of the chancery, but letters; no answer upon oath, but upon honour: besides a number of other privileges in parliament, court, and country. So likewise for the countenance of her majesty and the state, in lieutenancies, commissions, offices, and the like, there was never a more honourable and graceful regard had of the nobility; neither was there ever a more faithful remembrancer and exacter of all these particular pre-eminencies unto them; nor a more diligent searcher and register of their pedigrees, alliances, and all memorials of honour, than that man, whom he chargeth to have overthrown the nobility; because a few of them by immoderate expence are decayed, according to the humour of the time, which he hath not been able to resist, no not in his own house. And as for attainders, there have been in thirty-five years but five of any of the nobility, whereof but two came to execution; and one of them was accompanied with restitution of blood in the children: yea, all of them, except Westmoreland, were such, as, whether it were by favour of law or government, their heirs have, or are like to have, a great part of their possessions. And so much for the nobility.

Touching the oppression of the people, he mentioneth four points.

1. The consumption of people in the wars.
2. The interruption of traffick.
3. The corruption of justice.

Concerning the state of the common subject.

4. The multitude of taxations. Unto all which points there needeth no long speech. For the first, thanks be to God, the benediction of *Crescite* and *Multiplicâmini*, is not so weak upon this realm of England, but the population thereof may afford such

loss of men as were sufficient for the making our late wars, and were in a perpetuity, without being seen either in city or country. We read, that when the Romans did take cense of their people, whereby the citizens were numbered by the poll in the beginning of a great war; and afterwards again at the ending, there sometimes wanted a third part of the number: but let our muster books be perused, those, I say, that certify the number of all fighting men in every shire, of *vicesimo* of the queen; at what time, except a handful of soldiers in the Low Countries, we expended no men in the wars; and now again, at this present time, and there will appear small diminution. There be many tokens in this realm rather of press and surcharge of people, than of want and depopulation, which were before recited. Besides, it is a better condition of inward peace to be accompanied with some exercise of no dangerous war in foreign parts, than to be utterly without apprentisage of war, whereby people grow effeminate and unpractised when occasion shall be. And it is no small strength unto the realm, that in these wars of exercise and not of peril, so many of our people are trained, and so many of our nobility and gentlemen have been made excellent leaders both by sea and land. As for that he objecteth, we have no provision for soldiers at their return; though that point hath not been altogether neglected, yet I wish with all my heart, that it were more ample than it is; though I have read and heard, that in all estates, upon casheering and disbanding of soldiers, many have endured necessity.

For the stopping of traffick, as I referred myself to the muster-books for the first, so I refer myself to the custom-books upon this, which will not lye, and do make demonstration of no abatement at all in these last years, but rather of rising and increase. We know of many in London and other places that are within a small time greatly come up and made rich by merchandising: and a man may speak within his compass, and affirm, that our prizes by sea have countervailed any prizes upon us.

And as to the justice of this realm, it is true, that cunning and wealth have bred many suits and debates in law. But let those points be considered: the integrity and sufficiency of those which supply the judicial places in the queen's courts; the good laws that have been made in her majesty's time against informers and promoters, and for the bettering of trials; the example of severity which is used in the Star-Chamber, in oppressing forces and frauds; the diligence and stoutness that is used by justices of assizes, in encountering all countenancing and bearing of causes in the country, by their authorities and wisdom; the great favours that have been used towards copy-holders and customary tenants, which were in ancient times merely at the discretion and mercy of the lord, and are now continually relieved from hard dealing, in chancery and other courts of equity: I say, let these and many other points be considered, and men will worthily conceive an honourable opinion of the justice of England.

Now to the points of levies and distributions of money, which he calleth exactions. First, very coldly, he is not abashed to bring in the gathering for Paul's steeple and the lottery trifles: whereof the former, being but a voluntary collection of that men were freely disposed to give, never grew to so great a sum as was sufficient to finish the work for which it was appointed: and so I imagine, it was converted into some other use; like to that gathering which was for the fortifications of Paris; save that the gathering for Paris came to a much greater, though, as I have heard, no competent sum. And for the lottery, it was but a novelty devised and followed by some particular persons, and only allowed by the state, being as a gain of hazard; wherein if any gain was, it was because many men thought scorn, after they had fallen from their greater hopes, to fetch their odd money. Then he mentioneth loans and privy seals: wherein he sheweth great ignorance and indiscretion, considering the payments back again have been very good and certain, and much for her majesty's honour. Indeed, in other

princes times it was not wont to be so. And therefore, though the name be not so pleasant, yet the use of them in our times have been with small grievance. He reckoneth also new customs upon cloths, and new impost upon wines. In that of cloths, he is deceived; for the ancient rate of custom upon cloths was not raised by her majesty, but by queen Mary, a catholic queen: and hath been commonly continued by her majesty; except he mean the computation of the odd yards, which in strict duty was ever answerable, though the error were but lately looked into, or rather the toleration taken away. And to that of wines, being a foreign merchandise, and but a delicacy, and of those which might be forborn, there hath been some increase of imposition, which can rather make the price of wine higher, than the merchant poorer. Lastly, touching the number of subsidies, it is true, that her majesty, in respect of the great charges of her wars, both by sea and land, against such a lord of treasure as is the king of Spain; having for her part no Indies nor mines, and the revenues of the crown of England being such, as they less grate upon the people than the revenues of any crown or state in Europe, hath, by the assent of parliament, according to the ancient customs of this realm, received divers subsidies of her people, which as they have been employed upon the defence and preservation of the subject, not upon excessive buildings, nor upon immoderate donatives, nor upon triumphs and pleasures; or any the like veins of dissipation of treasure, which have been familiar to many kings: so have they been yielded with great good-will and chearfulness, as may appear by other kinds of benevolence, presented to her likewise in parliament; which her majesty nevertheless hath not put in ure. They have been taxed also and assessed with a very light and gentle hand; and they have been spared as much as may be, as may appear in that her majesty now twice, to spare the subject, hath sold of her own lands. But he that shall look into other countries, and consider the taxes, and talliages, and impositions, and assizes, and the like, that

are every where in use, will find that the Englishman is the most master of his own valuation, and the least bitten in his purse of any nation of Europe. Nay even at this instant in the kingdom of Spain, notwithstanding the pioneers do still work in the Indian mines, the Jesuits most play the pioneers, and mine into the Spaniards purses; and, under the colour of a ghostly exhortation, contrive the greatest exaction that ever was in any realm.

Thus much, in answer of these calumniations, I have thought good to note touching the present state of England; which state is such, that whosoever hath been an architect in the frame thereof, under the blessing of God, and the virtues of our sovereign, needed not to be ashamed of his work.

III. Of the proceedings against the pretended catholics, whether they have been violent, or moderate and necessary.

I find her majesty's proceedings generally to have been grounded upon two principles: the one,

That consciences are not to be forced, but to be won and reduced by the force of truth, by the aid of time, and the use of all good means of instruction or persuasion: the other,

That causes of conscience when they exceed their bounds, and prove to be matter of faction, lose their nature; and that sovereign princes ought distinctly to punish the practice or contempt, though coloured with the pretences of conscience and religion.

According to these two principles, her majesty, at her coming to the crown, utterly disliking of the tyranny of the church of Rome, which had used by terror and rigour to seek commandment over mens faiths and consciences; although, as a prince of great wisdom and magnanimity, she suffered but the exercise of one religion, yet her proceedings towards the papists were with great lenity, expecting the good effects which time might work in them.

And therefore her majesty revived not the laws made in 28, and 35, of her father's reign, whereby

he oath of supremacy might have been offered at the ing's pleasure to any subject, though he kept his con- science never so modestly to himself; and the refusal to take the same oath, without farther circumstance, was made treason: but contrariwise, her majesty not liking to make windows into mens hearts and secret thoughts, except the abundance of them did overflow into overt and express acts and affirmations, tempered her law so, as it restraineth only manifest disobedience in impugning and impeaching advisedly and ambitiously her majesty's supreme power, and maintaining and extolling a foreign jurisdiction. And as for the oath, it was altered by her majesty into a more grateful form; the harshness of the name, and appellation of supreme head was removed; and the penalty of the refusal thereof turned into a disablement to take any promotion, or to exercise any charge; and yet that with a liberty of being revested therein, if any man shall accept thereof during his life.

But after many years toleration of a multitude of factious papists, when Pius Quintus had excommunicated her majesty, and the bill of excommunication was published in London, whereby her majesty was in a sort proscribed, and all her subjects drawn upon pain of damnation from her obedience; and that thereupon, as upon a principal motive or preparative, followed the rebellion in the north; yet notwithstanding, because many of those evil humours were by that rebellion partly purged, and that she feared at that time no foreign invasion, and much less the attempts of any within the realm not backed by some foreign succours from without; she contented herself to make a law against that special case of bringing in, or publishing of bulls or the like instruments; whereunto was added a prohibition, not upon pain of treason, but of an inferior degree of punishment, against bringing in of *Agnus Dei's*, hallowed beads, and such other merchandise of Rome, as are well known not to be any essential part of the Roman religion, but only to be used in practice as love-tokens, to enchant and bewitch the people's affections from their allegiance to

their natural sovereign. In all other points her majesty continued her former lenity.

But when, about the twentieth year of her reign, she had discovered in the king of Spain an intention to invade her dominions, and that a principal point of the plot was to prepare a party within the realm that might adhere to the foreigner; and that the seminaries began to blossom and to send forth daily priests and professed men, who should by vow, taken at shrift, reconcile her subjects from her obedience; yea, and bind many of them to attempt against her majesty's sacred person; and that, by the poison they spread, the humours of most papists were altered, and that they were no more papists in custom, but papists in treasonable faction: then were there new laws made for the punishment of such as should submit themselves to reconcilements or renunciations of obedience. For it is to be understood, that this manner of reconcilement in confession, is of the same nature and operation that the bull itself was of, with this only difference, that whereas the bull assoiled the subjects from their obedience at once, the other doth it one by one. And therefore it is both more secret, and more insinuative into the conscience, being joined with no less matter than an absolution from mortal sin. And because it was a treason carried in the clouds, and in wonderful secrecy, and came seldom to light; and that there was no presumption thereof so great as the recusants to come to divine service, because it was set down by their decrees, that to come to church before reconcilement, was to live in schism; but to come to church after reconcilement, was absolutely heretical and damnable: therefore there were added new laws, containing a punishment pecuniary against the recusants, not to enforce consciences, but to enfeeble those of whom it rested indifferent and ambiguous, whether they were reconciled or no? For there is no doubt, but if the law of recusancy, which is challenged to be so extreme and rigorous, were thus qualified, that any recusant that shall voluntarily come in and take his oath, that he or she were never reconciled, should immediately be

discharged of the penalty and forfeiture of the law; they would be so far from liking well of that mitigation, as they would cry out it was made to intrap them. And when, notwithstanding all this provision, this poison was dispersed so secretly, as that there were no means to stay it, but to restrain the merchants that brought it in; then was there lastly added a law, whereby such seditious priests of the new erection were exiled; and those that were at that time within the land shipped over, and so commanded to keep hence upon pain of treason.

This hath been the proceeding with that sort, though intermingled not only with sundry examples of her majesty's grace, towards such as in her wisdom she knew to be papists in conscience, and not in faction; but also with an extraordinary mitigation towards the offenders in the highest degree convicted by law, if they would protest, that in case this realm should be invaded with a foreign army, by the pope's authority, for the catholic cause, as they term it, they would take part with her majesty, and not adhere to her enemies.

And whereas he saith no priest dealt in matter of state, Ballard only excepted; it appeareth by the records of the confession of the said Ballard, and sundry other priests, that all priests at that time generally were made acquainted with the invasion then intended, and afterwards put in act; and had received instructions not only to move an expectation in the people of a change, but also to take their vows and promises in shrift to adhere to the foreigner; insomuch that one of their principal heads vaunted himself in a letter of the device, saying, that it was a point the counsel of England would never dream of, who would imagine that they should practise with some nobleman to make him head of their faction; whereas they took a course only to deal with the people, and them so severally, as any one apprehended should be able to appeal no more than himself, except the priests, who he knew would reveal nothing that was uttered in confession: so innocent was this princely priestly function, which this man taketh to be but a matter of conscience, and

thinketh it reason it should have free exercise throughout the land.

IV. Of the disturbance of the quiet of Christendom; and to what causes it may be justly assigned.

It is indeed a question, which those that look into matters of state do well know to fall out very often; though this libeller seemeth to be more ignorant thereof, whether the ambition of the more mighty state, or the jealousy of the less mighty state, is to be charged with breach of amity. Hereof as there may be many examples, so there is one so proper unto the present matter, as though it were many years since, yet it seemeth to be a parable of these times, and namely of the proceedings of Spain and England.

The states then, which answered to these two now, were Macedon and Athens. Consider therefore the resemblance between the two Philips, of Macedon and Spain: he of Macedon aspired to the monarchy of Greece, as he of Spain doth of Europe; but more apparently than the first, because that design was discovered in his father Charles V. and so left him by descent; whereas Philip of Macedon was the first of the kings of that nation which fixed so great conceits in his breast. The course which this king of Macedon held was not so much by great armies and invasions, though these wanted not when the case required, but by practice, by sowing of factions in states, and by obliging sundry particular persons of greatness. The state of opposition against his ambitious proceedings was only the state of Athens, as now is the state of England against Spain. For Lacedæmon and Thebes were both low, as France is now; and the rest of the states of Greece were, in power and territories, far inferior. The people of Athens were exceedingly affected to peace, and weary of expence. But the point which I chiefly make the comparison, was that of the orators, which were as counsellors to a popular state; such as were sharpest sighted, and looked deepest into the projects and spreading of the Macedonians, doubting still that the fire, after it licked up the neighbour

states, and made itself opportunity to pass, would at last take hold of the dominions of Athens with so great advantages, as they should not be able to remedy it, were ever charged both by the declarations of the king of Macedon, and by the imputation of such Athenians as were corrupted to be of his faction, as the kindlers of troubles, and disturbers of the peace and leagues: but as that party was in Athens too mighty, so as it discountenanced the true counsels of the orators, and so bred the ruin of that state, and accomplished the ends of that Philip: so it is to be hoped that in a monarchy, where there are commonly better intelligences and resolutions than in a popular state, those plots as they are detected already, so they will be resisted and made frustrate.

But to follow the libeller in his own course; the sum of that which he delivereth concerning the imputation, as well of the interruption of the amity between the crowns of England and of Spain, as the disturbance of the general peace of Christendom, unto the English proceedings, and not to the ambitious appetites of Spain, may be reduced into three points.

1. Touching the proceeding of Spain and England towards their neighbour states.

2. Touching the proceeding of Spain and England between themselves.

3. Touching the articles and conditions which it pleaseth him, as it were in the behalf of England, to pen and propose for the treating and concluding of an universal peace.

In the first he discovereth how the king of Spain never offered molestation, neither unto the states of Italy, upon which he confineth by Naples and Milan; neither unto the states of Germany, unto whom he confineth by a part of Burgundy and the Low Countries; nor unto Portugal, till it was devolved to him in title, upon which he confineth by Spain; but contrariwise, as one that had in precious regard the peace of Christendom, he designed from the beginning to turn his whole forces upon the Turk. Only he confesseth, that agreeable to his devotion, which appre-

hended as well the purging of Christendom from heresies, as the enlarging thereof upon the Infidels, he was ever ready to give succours unto the French kings against the Huguenots, especially being their own subjects: whereas, on the other side, "England, as "he affirmeth, hath not only sowed troubles and dis-"sentions in France and Scotland, the one their neigh-"bour upon the continent, the other divided only by "the narrow seas, but also hath actually invaded "both kingdoms. For as for the matters of the Low "Countries, they belong to the dealings which have "passed by Spain."

In answer whereof, it is worthy the consideration how it pleased God in that king to cross one passion by another; and namely, that passion which might have proved dangerous unto all Europe, which was his ambition, by another which was only hurtful to himself and his own, which was wrath and indignation towards his subjects of the Netherlands. For after that he was settled in his kingdom, and freed from some fear of the Turk, revolving his father's design in aspiring to the monarchy of Europe, casting his eye principally upon the two potent kingdoms of France and England; and remembering how his father had once promised unto himself the conquest of the one; and how himself by marriage had lately had some possession of the other; and seeing that diversity of religion was entered into both these realms; and that France was fallen unto princes weak, and in minority; and England unto the government of a lady, in whom he did not expect that policy of government, magnanimity, and felicity, which since he hath proved, concluded, as the Spaniards are great waiters upon time, and ground their plots deep, upon two points; the one to profess an extraordinary patronage and defence of the Roman religion, making account thereby to have factions in both kingdoms: in England a faction directly against the state; in France a faction that did consent indeed in religion with the king, and therefore at first shew should seem unproper to make a party for a foreigner. But he foresaw well enough

hat the king of France should be forced, to the end o retain peace and obedience, to yield in some things o those of the religion, which would undoubtedly alie- nate the fiery and more violent sort of papists; which preparation in the people, added to the ambition of the family of Guise, which he nourished for an instru- ment, would in the end make a party for him against the state, as since it proved, and might well have done long before, as may well appear by the mention of league and associations, which is above twenty-five years old in France.

The other point he concluded upon, was, that his Low Countries was the aptest place both for ports and shipping, in respect of England, and for situation in respect of France, having goodly frontier towns upon that realm, and joining also upon Germany, whereby they might receive in at pleasure any forces of Al- maigns, to annoy and offend either kingdom. The impediment was the inclination of the people, which, receiving a wonderful commodity of trades out of both realms, especially of England; and having been in ancient league and confederacy with our nation, and having been also homagers unto France, he knew would be in no wise disposed to either war: where- upon he resolved to reduce them to a martial govern- ment, like unto that which he had established in Na- ples and Milan; upon which suppression of their li- berties ensued the defection of those provinces. And about the same time the reformed religion found en- trance in the same countries; so as the king, inflamed with the resistance he found in the first part of his plots, and also because he might not dispense with his other principle in yielding to any toleration of reli- gion; and withal expecting a shorter work of it than he found, became passionately bent to reconquer those countries; wherein he hath consumed infinite treasure and forces. And this is the true cause, if a man will look into it, that hath made the king of Spain so good a neighbour; namely, that he was so intangled with the wars of the Low Countries as he could not intend any other enterprise. Besides, in enterprising upon

Italy, he doubted first the displeasure of the see of Rome, with whom he meant to run a course of strait conjunction; also he doubted it might invite the Turk to return. And for Germany, he had a fresh example of his father, who, when he had annexed unto the dominions which he now possesseth, the empire of Almaign, nevertheless sunk in that enterprise; whereby he perceived that the nation was of too strong a composition for him to deal withal: though not long since, by practice, he could have been contented to snatch up in the East the country of Embden. For Portugal, first, the kings thereof were good sons to the see of Rome; next, he had no colour of quarrel or pretence; thirdly, they were officious unto him: yet if you will believe the Genoese, who otherwise writeth much to the honour and advantage of the kings of Spain, it seemeth he had a good mind to make himself a way into that kingdom, seeing that for that purpose, as he reporteth, he did artificially nourish the young king Sebastian in the voyage of Africk, expecting that overthrow which followed.

As for his intention to war upon the Infidels and Turks, it maketh me think what Francis Guicciardine, a wise writer of history, speaketh of his great grandfather, making a judgment of him as historiographers use; "that he did always mask and veil his appetites "with a demonstration of a devout and holy intention "to the advancement of the Church and the public "good." His father also, when he received advertisement of the taking of the French king, prohibited all ringings, and bonfires, and other tokens of joy; and said, those were to be reserved for victories upon infidels: on whom he meant never to war. Many a cruzado hath the bishop of Rome granted to him and his predecessors upon that colour, which all have been spent upon the effusion of Christian blood: and now this year the levies of Germans, which should have been made underhand for France, were coloured with the pretence of war upon the Turk; which the princes of Germany descrying, not only brake the levies, but threatened the commissioners to hang the next that

should offer the like abuse: so that this form of dissembling is familiar, and as it were hereditary to the king of Spain.

And as for his succours given to the French king against the Protestants, he could not chuse but accompany the pernicious counsels which still he gave to the French kings, of breaking their edicts, and admitting of no pacification, but pursuing their subjects with mortal war, with some offer of aids; which having promised, he could not but in some small degree perform; whereby also the subject of France, namely the violent Papist, was inured to depend upon Spain. And so much for the king of Spain's proceedings towards other states.

Now for ours: and first touching the point wherein he chargeth us to be the authors of troubles in Scotland and France; it will appear to any that have been well informed of the memoirs of these affairs, that the troubles of those kingdoms were indeed chiefly kindled by one and the same family of the Guise: a family, as was partly touched before, as particularly devoted now for many years together to Spain, as the order of the Jesuits is. This house of Guise, having of late years extraordinarily flourished in the eminent virtue of a few persons, whose ambition nevertheless was nothing inferior to their virtue; but being of a house, notwithstanding, which the princes of the blood of France reckoned but as strangers, aspired to a greatness more than civil and proportionable to their cause, wheresoever they had authority: and accordingly, under colour of consanguinity and religion, they brought into Scotland in the year 1559, and in the absence of the king and queen, French forces in great numbers; whereupon the ancient nobility of that realm, seeing the imminent danger of reducing that kingdom under the tyranny of strangers, did pray, according to the good intelligence between the two crowns, her majesty's neighbourly forces. And so it is true, that the action being very just and honourable, her majesty undertook it, expelled the strangers, and restored the nobility to their degrees, and the state to peace.

After, when certain noblemen of Scotland of the same faction of Guise had, during the minority of the king, possessed themselves of his person, to the end to abuse his authority many ways; and namely, to make a breach between Scotland and England; her majesty's forces were again, in the year 1582, by the king's best and truest servants sought and required: and with the forces of her majesty prevailed so far, as to be possessed of the castle of Edinburgh, the principal part of that kingdom; which nevertheless her majesty incontinently with all honour and sincerity restored, after she had put the king into good and faithful hands; and so, ever since, in all the occasions of intestine troubles, whereunto that nation hath been ever subject, she hath performed unto the king all possible good offices, and such as he doth with all good affection acknowledge.

The same house of Guise, under colour of alliance, during the reign of Francis the Second, and by the support and practice of the queen-mother; who, desiring to retain the regency under her own hands during the minority of Charles the Ninth, used those of Guise as a counterpoise to the princes of the blood, obtained also great authority in the kingdom of France: whereupon, having raised and moved civil wars under pretence of religion, but indeed to enfeeble and depress the ancient nobility of that realm; the contrary part, being compounded of the blood-royal and the greatest officers of the crown, opposed themselves only against their insolency; and to their aids called in her majesty's forces, giving them for security the town of Newhaven; which, nevertheless, when as afterwards, having by the reputation of her majesty's confederation made their peace in effect as they would themselves, they would, without observing any conditions that had passed, have had it back again; then indeed, it was held by force, and so had been long, but for the great mortality which it pleased God to send amongst our men. After which time, so far was her majesty from seeking to sow or kindle new troubles, as continually, by the solicitation of her ambas-

sadors, she still persuaded the kings, both Charles IX. and Henry III. to keep and observe their edicts of pacification, and to preserve their authority by the union of their subjects; which counsel, if it had been as happily followed as it was prudently and sincerely given, France had been at this day a most flourishing kingdom, which is now a theatre of misery: and now in the end, after that the ambitious practices of the same house of Guise had grown to that ripeness, that gathering farther strength upon the weakness and misgovernment of the said king Henry III. he was fain to execute the duke of Guise without ceremony at Blois. And yet, nevertheless, so many men were embarked and engaged in that conspiracy, as the flame thereof was nothing assuaged; but, contrariwise, that king Henry grew distressed, so as he was enforced to implore the succours of England from her majesty, though no way interested in that quarrel, nor any way obliged for any good offices she had received of that king, yet she accorded to the same: before the arrival of which forces, the king being by a sacrilegious Jacobine murdered in his camp near Paris, yet they went on, and came in good time for the assistance of the king which now reigneth; the justice of whose quarrel, together with the long continued amity and good intelligence, which her majesty had with him, hath moved her majesty from time to time to supply with great aids; and yet she never, by any demand, urged upon him the putting into her hands of any town or place: so as upon this that hath been said let the reader judge, whether hath been the more just and honourable proceeding, and the more free from ambition and passion towards other states; that of Spain, or that of England. Now let us examine the proceedings reciprocal between themselves.

Her majesty, at her coming to the crown, found her realm intangled with the wars of France and Scotland, her nearest neighbours; which wars were grounded only upon the Spaniard's quarrel; but in the pursuit of them had lost England the town of Calais: which, from the twenty-first of king Edward III. had

been possessed by the kings of England. There was a meeting near Bourdeaux, towards the end of Queen Mary's reign, between the commissioners of France, Spain, and England, and some overture of peace was made; but broke off upon the article of the restitution of Calais. After Queen Mary's death, the king of Spain, thinking himself discharged of that difficulty, though in honour he was no less bound to it than before, renewed the like treaty, wherein her majesty concurred: so as the commissioners for the said princes met at Chasteau Cambraissi, near Cambray. In the proceedings of which treaty, it is true, that at the first the commissioners of Spain, for form and in demonstration only, pretended to stand firm upon the demand of Calais: but it was discerned, indeed, that the king's meaning was, after some ceremonies and perfunctory insisting thereupon, to grow apart to a peace with the French, excluding her majesty, and so to leave her to make her own peace, after her people had made his wars. Which covert dealing being politicly looked into, her majesty had reason, being newly invested in her kingdom, and of her own inclination being affected to peace, to conclude the same with such conditions as she might: and yet the king of Spain in his dissimulation had so much advantage as she was fain to do it in a treaty apart with the French; whereby to one that is not informed of the counsels and treaties of state, as they passed, it should seem to be a voluntary agreement of her majesty, whereto the king of Spain would not be party: whereas indeed he left her no other choice; and this was the first assay or earnest penny of that king's good affection to her majesty.

About the same time, when the king was solicited to renew such treaties and leagues as had passed between the two crowns of Spain and England, by the lord Cobham, sent unto him, to acquaint him with the death of queen Mary; and afterwards by Sir Thomas Chaloner and Sir Thomas Chamberlain, successively ambassadors resident in his Low Countries; who had order, divers times, during their charge, to make

overtures thereof, both under the king, and certain principal persons about him; and lastly, those former motions taking no effect, by Viscount Montacute and Sir Thomas Chamberlain, sent into Spain in the year 1560; no other answer could be had or obtained of the king, but that the treaties did stand in as good force to all intents as new ratification could make them. An answer strange at that time, but very conformable to his proceedings since: which belike even then were closely smothered in his own breast. For had he not at that time had some hidden alienation of mind, and design of an enemy towards her majesty, so wise a king could not be ignorant, that the renewing and ratifying of treaties between princes and states do add great life and force, both of assurance to the parties themselves, and countenance and reputation to the world besides; and have for that cause been commonly and necessarily used and practised.

In the message of Viscount Montacute, it was also contained, that he should crave the king's counsel and assistance, according to amity and good intelligence, upon a discovery of certain pernicious plots of the house of Guise, to annoy this realm by the way of Scotland: whereunto the king's answer was so dark and so cold, that nothing could be made of it, till he had made an exposition of it himself by effects, in the express restraint of munition to be carried out of the Low Countries unto the siege of Leith; because our nation was to have supply thereof from thence. So as in all the negociations that passed with that king, still her majesty received no satisfaction, but more and more suspicious and bad tokens of evil affection.

Soon after, when upon that project, which was disclosed before the king had resolved to disannul the liberties and privileges unto his subjects of the Netherlands anciently belonging; and to establish amongst them a martial government, which the people, being very wealthy, and inhabiting towns very strong and defensible by fortifications both of nature and the hand, could not endure, there followed the defection

and revolt of those countries. In which action, being the greatest of all those which have passed between Spain and England, the proceeding of her majesty hath been so just, and mingled with so many honourable regards, as nothing doth so much clear and acquit her majesty, not only from passion, but also from all dishonourable policy. For first, at the beginning of the troubles, she did impart unto him faithful and sincere advice of the course that was to be taken for the quieting and appeasing them; and expressly forewarned both himself and such as were in principal charge in those countries, during the wars, of the danger like to ensue if he held so heavy a hand over that people; lest they should cast themselves into the arms of a stranger. But finding the king's mind so exulcerated as he rejected all counsel that tended to mild and gracious proceeding, her majesty nevertheless gave not over her honourable resolution, which was, if it were possible, to reduce and reconcile those countries unto the obedience of their natural sovereign the king of Spain; and if that might not be, yet to preserve them from alienating themselves to a foreign lord, as namely unto the French, with whom they much treated; and amongst whom the enterprise of Flanders was ever propounded as a mean to unite their own civil dissensions, but patiently temporising, expected the good effect which time might breed. And whensoever the states grew into extremities of despair, and thereby ready to embrace the offer of any foreigner, then would her majesty yield them some relief of money, or permit some supply of forces to go over unto them; to the end, to interrupt such violent resolution: and still continued to mediate unto the king some just and honourable capitulations of grace and accord, such as whereby always should have been preserved unto him such interest and authority as he in justice could claim, or a prince moderately minded would seek to have. And this course she held interchangeably, seeking to mitigate the wrath of the king, and the despair of the countries, till such time as after the death of the duke of Anjou, into whose hands, according to her ma-

jesty's prediction, but against her good liking, they had put themselves, the enemy pressing them, the United Provinces were received into her majesty's protection: which was after such time, as the king of Spain had discovered himself, not only an implacable lord to them, but also a professed enemy unto her majesty; having actually invaded Ireland, and designed the invasion of England. For it is to be noted, that the like offers which were then made unto her majesty, had been made to her long before: but as long as her majesty conceived any hope, either of making their peace, or entertaining her own with Spain, she would never hearken thereunto. And yet now, even at last, her majesty retained a singular and evident proof to the world of her justice and moderation, in that she refused the inheritance and sovereignty of those goodly provinces; which by the states, with much instance, was pressed upon her; and being accepted, would have wrought greater contentment and satisfaction both to her people and theirs, being countries for the site, wealth, commodity of traffic, affection to our nation, obedience of the subjects, well used, most convenient to have been annexed to the crown of England, and with all one charge, danger, and offence of Spain; only took upon her the defence and protection of their liberties; which liberties and privileges are of that nature, as they may justly esteem themselves but conditional subjects to the king of Spain, more justly than Arragon: and may make her majesty as justly esteem the ancient confederacies and treaties with Burgundy to be of force rather with the people and nation, than with the line of the duke; because it was never an absolute monarchy. So as, to sum up her majesty's proceedings in this great action, they have but this, that they have sought first to restore them to Spain, then to keep them from strangers, and never to purchase them to herself.

But during all that time, the king of Spain kept one tenor in his proceedings towards her majesty, breaking forth more and more into injuries and contempts: her

subjects trading into Spain have been many of them burned; some cast into the galleys; others have died in prison, without any other crimes committed, but upon quarrels picked upon them for their religion here at home. Her merchants, at the sack of Antwerp, were divers of them spoiled and put to their ransoms, though they could not be charged with any part-taking; neither, upon the complaint of Doctor Wilson and Sir Edward Horsey, could any redress be had. A general arrest was made by the duke of Alva of Englishmens both goods and persons, upon pretence that certain ships, stayed in this realm laden with goods and money of certain merchants of Genoa, belonged to that king: which money and goods was afterwards, to the uttermost value, restored and paid back; whereas our men were far from receiving the like justice on their side. Dr. Man, her majesty's ambassador, received, during his legation, sundry indignities; himself being removed out of Madrid, and lodged in a village, as they are accustomed to use the ambassadors of Moors: his son and steward forced to assist at a mass with tapers in their hands; besides sundry other contumelies and reproaches. But the spoiling or damnifying of a merchant, vexation of a common subject, dishonour of an ambassador, were rather but demonstrations of ill disposition, than effects, if they be compared with actions of state, wherein he and his ministers have sought the overthrow of this government. As in the year 1569, when the rebellion in the north part of England brake forth; who but the duke of Alva, then the king's lieutenant in the Low Countries, and Don Guerres of Espes, then his ambassador lieger here, were discovered to be chief instruments and practisers; having complotted with the duke of Norfolk at the same time, as was proved at the same duke's condemnation, that an army of twenty thousand men should have landed at Harwich, in aid of that part, which the said duke had made within the realm, and the said duke having spent and employed one hundred and fifty thousand crowns in that preparation.

Not contented thus to have consorted and assisted her majesty's rebels in England, he procured a rebellion in Ireland; arming and sending thither in the year 1579 an arch-rebel of that country, James Fitz-Morrice, which before was fled. And truly to speak, the whole course of molestation, which her majesty hath received in that realm by the rising and keeping on of the Irish, hath been nourished and fomented from Spain; but afterwards most apparently, in the year 1580, he invaded the same Ireland with Spanish forces, under an Italian colonel, by name San Josepho, being but the forerunners of a greater power; which by treaty between him and the pope should have followed, but that by the speedy defeat of those former, they were discouraged to pursue the action: which invasion was proved to be done by the king's own orders, both by the letters of secretary Escovedo, and of Guerres to the king; and also by divers other letters, wherein the particular conferences were set down concerning this enterprise between cardinal Riario the pope's legate, and the king's deputy in Spain, touching the general, the number of men, the contribution of money, and the manner of the prosecuting of the action, and by the confession of some of the chiefest of those that were taken prisoners at the fort; which act being an act of apparent hostility, added unto all the injuries aforesaid, and accompanied with a continual receit, comfort, and countenance, by audiencies, pensions, and employments, which he gave to traytors and fugitives, both English and Irish; as Westmoreland, Paget, Englefield, Baltinglass, and numbers of others; did sufficiently justify and warrant that pursuit of revenge, which, either in the spoil of Carthagena and San Domingo in the Indies, by Mr. Drake, or in the undertaking the protection of the Low Countries when the earl of Leicester was sent over, afterwards followed. For before that time her majesty, though she stood upon her guard in respect of the just cause of jealousy, which the sundry injuries of that king gave her; yet had entered into no offensive action against him. For both the voluntary

forces which Don Antonio had collected in this realm, were by express commandment restrained, and offer was made of restitution to the Spanish ambassador of such treasure as had been brought into this realm, upon proof that it had been taken by wrong; and the duke of Anjou was, as much as could stand with the near treaty of a marriage which then was very forward between her majesty and the said duke, diverted from the enterprise of Flanders.

But to conclude this point: when that, some years after, the invasion and conquest of this land, intended long before, but through many crosses and impediments, which the king of Spain found in his plots, deferred, was in the year 1588 attempted; her majesty, not forgetting her own nature, was content at the same instant to treat of a peace; not ignorantly, as a prince that knew not in what forwardness his preparations were, for she had discovered them long before, nor fearfully, as may appear by the articles whereupon her majesty in that treaty stood, which were not the demands of a prince afraid; but only to spare the shedding of Christian blood, and to shew her constant desire to make her reign renowned, rather by peace than victories: which peace was on her part treated sincerely, but on his part, as it should seem, was but an abuse; thinking thereby to have taken us more unprovided: so that the duke of Parma, not liking to be used as an instrument in such a case, in regard of his particular honour, would sometimes in treating interlace, that the king his master meant to make his peace with his sword in his hand. Let it then be tried, upon an indifferent view of the proceedings of England and Spain, who it is that fisheth in troubled waters, and hath disturbed the peace of Christendom, and hath written and described all his plots in blood.

There follow the articles of an universal peace, which the libeller, as a commissioner for the estate of England, hath propounded, and are these:

First, that the king of Spain should recall such forces, as, of great compassion to the natural people of France, he hath sent thither to defend them against *a relapsed* Huguenot.

Secondly, that he suffer his rebels of Holland and Zealand quietly to possess the places they hold, and to take unto them all the rest of the Low Countries also; conditionally, that the English may still keep the possession of such port towns as they have, and have some half a dozen more annexed unto them.

Thirdly, that the English rovers might peaceably go to his Indies, and there take away his treasure and his Indies also.

And these articles being accorded, he saith, might follow that peace which passeth all understanding, as he calleth it in a scurrile and prophane mockery of the peace which Christians enjoy with God, by the atonement which is made by the blood of Christ, whereof the Apostle saith *that it passeth all understanding*. But these his articles are sure mistaken, and indeed corrected are briefly these:

1. That the king of France be not impeached in reducing his rebels to obedience.

2. That the Netherlands be suffered to enjoy their ancient liberties and privileges, and so forces of strangers to be withdrawn, both English and Spanish.

3. That all nations may trade into the East and West Indies; yea, discover and occupy such parts as the Spaniard doth not actually possess, and are not under civil government, notwithstanding any donation of the pope.

V. Of the cunning of the libeller, in palliation of his malicious invectives against her majesty and the state, with pretence of taxing only the actions of the lord Burleigh.

I cannot rightly call this point cunning in the libeller, but rather good will to be cunning; without skill indeed or judgment: for finding that it hath been the usual and ready practice of seditious subjects to plant and bend their invectives and clamours, not against the sovereigns themselves, but against some such as had grace with them, and authority under them, he put in ure his learning in a wrong and

unproper case. For this hath some appearance to cover undutiful invectives, when it is used against favourites or new upstarts, and sudden-risen counsellors: but when it shall be practised against one that hath been counsellor before her majesty's time, and hath continued longer counsellor than any other counsellor in Europe; one that must needs have been great if it were but by surviving alone, though he had no other excellency; one that hath passed the degrees of honour with great travel and long time, which quencheth always envy, except it be joined with extreme malice; then it appeareth manifestly to be but a brick-wall at tennis to make the defamation and hatred rebound from the counsellor upon the prince. And assuredly they be very simple to think to abuse the world with those shifts; since every child can tell the fable, that the wolf's malice was not to the shepherd, but to his dog. It is true, that these men have altered their tune twice or thrice: when the match was in treating with the duke of Anjou, they spake honey as to her majesty; all the gall was uttered against the earl of Leicester: but when they had gotten heart upon expectation of the invasion, they changed stile, and disclosed all the venom in the world immediately against her majesty: what new hope hath made them return to their Sinon's note, in teaching Troy how to save itself, I cannot tell. But in the mean time they do his lordship much honour: for the more despitefully they inveigh against his lordship, the more reason hath her majesty to trust him, and the realm to honour him. It was wont to be a token of scarce a good liegeman when the enemy spoiled the country, and left any particular mens houses or fields unwasted.

VI. Certain true general notes upon the actions of the lord Burleigh.

But above all the rest, it is a strange fancy in the libeller that he maketh his lordship to be the *primum mobile* in every action without distinction; that to him her majesty is accountant of her resolutions; that to

him the earl of Leicester and Mr. Secretary Walsingham, both men of great power, and of great wit and understanding, were but as instruments: whereas it is well known, that as to her majesty, there was never a counsellor of his lordship's long continuance that was so appliable to her majesty's princely resolutions; endeavouring always, after faithful propositions and remonstrances, and these in the best words, and the most grateful manner, to rest upon such conclusions, as her majesty in her own wisdom determineth, and them to execute to the best: so far hath he been from contestation, or drawing her majesty into any his own courses. And as for the forenamed counsellors and others, with whom his lordship hath consorted in her majesty's service, it is rather true that his lordship, out of the greatness of his experience and wisdom, and out of the coldness of his nature, hath qualified generally all hard and extreme courses, as far as the service of her majesty, and the safety of the state, and the making himself compatible with those with whom he served, would permit: so far hath his lordship been from inciting others, or running a full course with them in that kind. But yet it is more strange that this man should be so absurdly malicious, as he should charge his lordship, not only with all actions of state, but also with all the faults and vices of the times; as, if curiosity and emulation have bred some controversies in the Church; though, thanks be to God, they extend but to outward things; as, if wealth, and the cunning of wits have brought forth multitudes of suits in law; as, if excess in pleasures, and in magnificence, joined with the unfaithfulness of servants, and the greediness of moneyed men, have decayed the patrimony of many noblemen, and others; that all these, and such like conditions of the time, should be put on his lordship's account; who hath been, as far as to his place appertaineth, a most religious and wise moderator in Church-matters to have unity kept; who with great justice hath dispatched infinite causes in law that have orderly been brought before him: and for his own example, may say that

which few men can say; but was sometimes said by Cephalus, the Athenian so much renowned in Plato's works; who having lived near to the age of an hundred years, and in continual affairs and business, was wont to say of himself; "That he never sued any, neither had been sued by any:" who by reason of his office hath preserved many great houses from overthrow, by relieving sundry extremities towards such as in their minority have been circumvented; and towards all such as his lordship might advise, did ever persuade sober and limited expence. Nay, to make proof further of his contented manner of life, free from suits and covetousness; as he never sued any man, so did he never raise any rent, or put out any tenant of his own: nor ever gave consent to have the like done to any of the queen's tenants; matters singularly to be noted in this age.

But however, by this fellow, as in a false artificial glass, which is able to make the best face deformed, his lordship's doings be set forth; yet let his proceedings, which be indeed his own, be indifferently weighed and considered; and let men call to mind, that his lordship was never a violent and transported man in matters of state, but ever respective and moderate; that he was never man in his particular a breaker of necks; no heavy enemy, but ever placable and mild; that he was never a brewer of holy water in court; no dallier, no abuser, but ever real and certain; that he was never a bearing man, nor carrier of causes, but ever gave way to justice and course of law; that he was never a glorious wilful proud man, but ever civil and familiar, and good to deal withal; that in the course of his service, he hath rather sustained the burden, than sought the fruition of honour or profit; scarcely sparing any time from his cares and travels to the sustentation of his health; that he never had, nor sought to have for himself and his children, any pennyworth of lands or goods that appertained to any attainted of any treason, felony, or otherwise; that he never had, or sought any kind of benefit by any forfeiture to her majesty; that he was never a factious

commender of men, as he that intended any ways to besiege her, by bringing in men at his devotion; but was ever a true reporter unto her majesty of every man's deserts and abilities; that he never took the course to unquiet or offend, no nor exasperate her majesty, but to content her mind, and mitigate her displeasure; that he ever bare himself reverently and without scandal in matters of religion, and without blemish in his private course of life. Let men, I say, without passionate malice, call to mind these things, and they will think it reason, that though he be not canonized for a saint in Rome, yet he is worthily celebrated as *Pater patriae* in England, and though he be libelled against by fugitives, yet he is prayed for by a multitude of good subjects; and lastly, though he be envied whilst he liveth, yet he shall be deeply wanted when he is gone. And assuredly many princes have had many servants of trust, name, and sufficiency: but where there have been great parts, there hath often wanted temper of affection; where there have been both ability and moderation, there have wanted diligence and love of travail; where all three have been, there have sometimes wanted faith and sincerity; where some few have had all these four, yet they have wanted time and experience: but where there is a concurrence of all these, there is no marvel, though a prince of judgment be constant in the employment and trust of such a servant.

VII. Of divers particular untruths and abuses dispersed through the libel.

The order which this man keepeth in his libel, is such, as it may appear, that he meant but to empty some note-book of the matters of England, to bring in, whatsoever came of it, a number of idle jests, which he thought might fly abroad; and intended nothing less than to clear the matters he handled by the light of order and distinct writing. Having therefore in the principal points, namely, the second, third, and fourth articles, ranged his scattering and wandering discourse into some order, such as may help the judgment of

the reader, I am now content to gather up some of his by-matters and straggling untruths, and very briefly to censure them.

Pag. 9. he saith, that his lordship could neither by the greatness of his beads, creeping to the cross, nor exterior shew of devotion before the high altar, find his entrance into high dignity in queen Mary's time. All which is a mere fiction at pleasure; for queen Mary bare that respect unto him, in regard of his constant standing for her title, as she desired to continue his service; the refusal thereof growing from his own part: he enjoyed nevertheless all other liberties and favours of the time; save only that it was put into the queen's head that it was dangerous to permit him to go beyond the sea, because he had a great wit of action, and had served in so principal a place; which nevertheless after, with cardinal Pool, he was suffered to do.

Pag. *eadem* he saith, Sir Nicholas Bacon, that was lord keeper, was a man of exceeding crafty wit; which sheweth that this fellow in his slanders is no good marksman, but throweth out his words of defaming without all level. For all the world noted Sir Nicholas Bacon to be a man plain, direct, and constant, without all finesse and doubleness; and one that was of the mind that a man in his private proceedings and estate, and in the proceedings of state, should rest upon the soundness and strength of his own courses, and not upon practice to circumvent others; according to the sentence of Solomon, *Vir prudens advertit ad gressus suos, stultus autem divertit ad dolos:* insomuch that the Bishop of Ross, a subtle and observing man, said of him, that he could fasten no words upon him, and that it was impossible to come within him, because he offered no play: and the queen-mother of France, a very politic princess, said of him, that he should have been of the council of Spain, because he despised the occurrents, and rested upon the first plot; so that if he were crafty, it is hard to say who is wise.

Pag. 10. he saith, That the lord Burleigh, in the establishment of religion, in the beginning of the queen's time, prescribed a composition of his own in-

vention; whereas the same form, not fully six years before, had been received in this realm in king Edward's time: so as his lordship being a Christian politic counsellor, thought it better to follow a precedent, than to innovate; and chose the precedent rather at home than abroad.

Pag. 41. he saith, That catholics never attempted to murder any principal person of her majesty's court, as did Burchew, whom he calleth a puritan, in wounding of a gentleman instead of Sir Christopher Hatton; but by their great virtue, modesty, and patience, do manifest in themselves a far different spirit from the other sort. For Burchew, it is certain he was mad; as appeareth not only by his mad mistaking, but by the violence that he offered afterwards to his keeper, and most evidently by his behaviour at his execution: but of catholics, I mean the traitorous sort of them, a man may say as Cato said sometimes of Cæsar, *eum ad evertendam rempublicam sobrium accessisse:* they came sober and well advised to their treasons and conspiracies; and commonly they look not so low as the counsellors, but have bent their murderous attempts immediately against her majesty's sacred person, which God have in his precious custody! as may appear by the conspiracy of Sommervile, Parry, Savage, the six, and others; nay, they have defended it *in thesi*, to be a lawful act.

Pag. 43. he saith, That his lordship, whom he calleth the arch-politic, hath fraudulently provided, that when any priest is arraigned, the indictment is enforced with many odious matters: wherein he sheweth great ignorance, if it be not malice; for the law permitteth not the ancient forms of indictments to be altered; like as, in an action of trespass, although a man take away another's goods in the peaceablest manner in the world, yet the writ hath *quare vi et armis;* and if a man enter upon another's ground and do no more, the plaintiff mentioneth *quod herbam suam, ibidem crescentem, cum equis, bobus, porcis, et bidentibus, depastus sit, conculcavit et consumpsit.* Neither is this any absurdity, for in the practice of all

law the formularies have been few and certain; not varied according to every particular case. in indictments also of treason, it is not so far fet as in that of trespass; for the law ever presumet treason an intention of subverting the state, and peaching the majesty royal.

Pag. 45. and in other places, speaking of the pe cuting of the catholics, he still mentioneth bowell and consuming mens entrails by fire; as if this v a torture newly devised: wherein he doth cautelo and maliciously suppress, that the law and custo this land from all antiquity hath ordained that pun ment in case of treason, and permitteth no other. a punishment surely it is, though of great terror, by reason of the quick dispatching, of less torn far than either the wheel or forcipation, yea than ple burning.

Pag. 48. he saith, England is confederate with great Turk: wherein if he mean it because the m chants have an agent in Constantinople, how wil answer for all the kings of France since Francis first, which were good catholics? For the Empe For the king of Spain himself? For the senat Venice, and other states, that have had long t ambassadors liegers in that court? If he mean it cause the Turk hath done some special honour to ambassador, if he be so to be termed, we are behol to the king of Spain for that: for that the honour, have won upon him by opposition, hath given us re tation through the world: if he mean it because Turk seemeth to affect us for the abolishing of ima let him consider then what a scandal the matte images hath been in the church, as having been of the principal branches whereby Mahometism tered.

Pag. 65. he saith, Cardinal Allen was of late v near to have been elected pope. Whereby he wo put the catholics here in some hope, that once wit five or six years, for a pope commonly sitteth no l ger, he may obtain that which he missed narrow This is a direct abuse, for it is certain in all the c

claves since Sixtus Quintus, who gave him his hat, he was never in possibility; nay, the king of Spain, that hath patronized the church of Rome so long, as he is become a right patron of it, in that he seeketh to present to that see whom he liketh, yet never durst strain his credit to so desperate a point as once to make a canvass for him: no, he never nominated him in his inclusive narration. And those that know any thing of the respects of conclaves, know that he is not papable: first, because he is an ultramontane, of which sort there hath been none these fifty years. Next, because he is a cardinal of alms of Spain, and wholly at the devotion of that king. Thirdly, because he is like to employ the treasure and favours of the popedom upon the enterprises of England, and the relief and advancement of English fugitives, his necessitous countrymen. So as he presumed much upon the simplicity of the reader in this point, as in many more.

Pag. 55, and again p. 70. he saith, his lordship, meaning the lord Burleigh, intendeth to match his grandchild Mr. William Cecil with the lady Arabella. Which being a mere imagination, without any circumstance at all to induce it, more than that they are both unmarried, and that their years agree well, needeth no answer. It is true that his lordship, being no stoical unnatural man, but loving towards his children, for *charitas reipublicae incipit a familia*, hath been glad to match them into honourable and good blood: and yet not so, but that a private gentleman of Northamptonshire, that lived altogether in the country, was able to bestow his daughters higher than his lordship hath done. But yet it is not seen by any thing past, that his lordship ever thought or affected to match his children in the blood royal. His lordship's wisdom, which hath been so long of gathering, teacheth him to leave to his posterity rather surety than danger. And I marvel where be the combinations which have been with great men; and the popular and plausible courses, which ever accompany such designs, as the libeller speaketh of: and therefore this match is but like unto that which the same fellow concluded between the same lady

Arabella and the earl of Leicester's son, when he was but a twelvemonth old.

Pag. 70. he saith, He laboureth incessantly with the queen to make his eldest son deputy of Ireland; as if that were such a catch, considering all the deputies since her majesty's time, except the earl of Sussex and the lord Grey, have been persons of meaner degree than Sir Thomas Cecil is; and the most that is gotten by that place, is but the saving and putting up of a man's own revenues, during those years that he serveth there; and this perhaps to be saved with some displeasure at his return.

Pag. *eadem* he saith, He hath brought in his second son Sir Robert Cecil to be of the council, who hath neither wit nor experience; which speech is as notorious an untruth as is in all the libel: for it is confessed by all men that know the gentleman, that he hath one of the rarest and most excellent wits of England, with a singular delivery and application of the same; whether it be to use a continued speech, or to negociate, or to couch in writing, or to make report, or discreetly to consider of the circumstances, and aptly to draw things to a point; and all this joined with a very good nature and a great respect to all men, as is daily more and more revealed. And for his experience, it is easy to think that his training and helps hath made it already such, as many, that have served long prentishood for it, have not attained the like: so as if that be true, *qui beneficium digno dat, omnes obligat*, not his father only, but the state is bound unto her majesty, for the choice and employment of so sufficient and worthy a gentleman.

There be many other follies and absurdities in the book; which, if an eloquent scholar had it in hand, he would take advantage thereof, and justly make the author not only odious, but ridiculous and contemptible to the world: but I pass them over, and even this which hath been said hath been vouchsafed to the value and worth of the matter, and not the worth of the writer, who hath handled a theme above his compass.

VIII. Of the height of impudency that these men are grown unto in publishing and avouching untruths, with a particular recital of some of them for an assay.

These men are grown to a singular spirit and faculty in lying and abusing the world; such as, it seemeth, although they are to purchase a particular dispensation for all other sins, yet they have a dispensation dormant to lye for the catholic cause: which moveth me to give the reader a taste of their untruths, such as are written, and are not merely gross and palpable; desiring him out of their own writings, when any shall fall into his hands, to increase the roll at least in his own memory.

We retain in our calendars no other holydays but such as have their memorials in the Scriptures; and therefore in the honour of the blessed Virgin, we only receive the feasts of the annunciation and the purification; omitting the other of the conception and the nativity; which nativity was used to be celebrated upon the eighth of September, the vigil whereof happened to be the nativity of our queen: which though we keep not holy, yet we use therein certain civil customs of joy and gratulation, as ringing of bells, bonfires, and such like: and likewise make a memorial of the same day in our calendar: whereupon they have published, that we have expunged the nativity of the blessed Virgin, and put instead thereof the nativity of our queen: and farther, that we sing certain hymns unto her, used to be sung unto our Lady.

It happened that, upon some blood-shed in the church of Paul's, according to the canon law, yet with us in force, the said church was interdicted, and so the gates shut up for some few days; whereupon they published, that, because the same church is a place where people use to meet to walk and confer, the queen's majesty, after the manner of the ancient tyrants, had forbidden all assemblies and meetings of people together, and for that reason, upon extreme jealousy, did cause Paul's gates to be shut up.

The gate of London called Ludgate, being in decay,

was pulled down, and built anew; and on the one side was set up the image of king Lud and his two sons; who, according to the name, was thought to be the first founder of that gate; and on the other side, the image of her majesty, in whose time it was re-edified; whereupon they published that her majesty, after all the images of the saints were long beaten down, had now at last set up her own image upon the principal gate of London, to be adored, and that all men were forced to do reverence to it as they passed by, and a watch there placed for that purpose.

Mr. Jewel, the bishop of Salisbury, who according to his life died most godly and patiently, at the point of death used the versicle of the hymn *Te Deum*, *O Lord, in thee have I trusted, let me never be confounded;* whereupon, suppressing the rest, they published, that the principal champion of the heretics in his very last words cried he was confounded.

In the act of recognition of *primo*, whereby the right of the crown is acknowledged by parliament to be in her majesty, the like whereof was used in queen Mary's time, the words of limitation are, *in the queen's majesty, and the natural heirs of her body, and her lawful successors.* Upon which word, *natural*, they do maliciously, and indeed villainously gloss, that it was the intention of the parliament, in a cloud to convey the crown to any issue of her majesty's that were illegitimate; whereas the word *heir* doth with us so necessarily and pregnantly import lawfulness, as it had been *indecorum*, and uncivil speaking of the issues of a prince, to have expressed it.

They set forth in the year a book with tables and pictures of the persecutions against catholics, wherein they have not only stories of fifty years old to supply their pages, but also taken all the persecutions of the primitive Church, under the heathen, and translated them to the practice of England; as that of worrying priests under the skins of bears, by dogs, and the like.

I conclude then, that I know not what to make of this excess in avouching untruths, save this, that they

may truly chaunt in their quires; *Linguam nostram magnificabimus, labia nostra nobis sunt:* and that they who have long ago forsaken the truth of God, which is the touchstone, must now hold by the whetstone; and that their ancient pillar of lying wonders being decayed, they must now hold by lying slanders, and make their libels successors to their legend.

The first copy of my discourse touching the safety of the Queen's person.*

THESE be the principal remedies, I could think of, for extirpating the principal cause of those conspiracies, by the breaking the nest of those fugitive traitors, and the filling them full of terror, despair, jealousy, and revolt. And it is true, I thought of some other remedies, which, because in mine own conceit I did not so well allow, I therefore do forbear to express. And so likewise I have thought, and thought again, of the means to stop and divert as well the attempts of violence, as poison, in the performance and execution. But not knowing how my travel may be accepted, being the unwarranted wishes of a private man, I leave; humbly praying her Majesty's pardon, if in the zeal of my simplicity I have roved at things above my aim.

The first fragments of a discourse, touching intelligence, and the safety of the Queen's person †.

THE first remedy, in my poor opinion, is that, against which, as I conceive, least exception can be taken, as a thing, without controversy, honourable and politic; and that is reputation of good intelligence. I say not only *good intelligence,* but the *reputation* and *fame* thereof. For I see, that where booths are set for watching thievish places, there is no more rob-

* From the original in the Lambeth Library.
† From the original in the Lambeth Library.

bing: and though no doubt the watchmen many times are asleep, or away; yet that is more than the thief knoweth; so as the empty booth is strength and safeguard enough. So likewise, if there be sown an opinion abroad, that her majesty hath much secret intelligence, and that all is full of spies and false brethren; the fugitives will grow into such a mutual jealousy and suspicion one of another, as they will not have the confidence to conspire together, not knowing whom to trust; and thinking all practice bootless, as that which is assured to be discovered. And to this purpose, to speak reverently, as becometh me, as I do not doubt but those honourable counsellors, to whom it doth appertain, do carefully and sufficiently provide and take order that her majesty receive good intelligence; so yet, under correction, methinks it is not done with that glory and note to the world, which was in Mr. Secretary Walsingham's * time: and in this case, as was said, *opinio veritate major.*

The second remedy I deliver with less assurance, as that which is more removed from the compass of mine understanding: and that is, to treat and negociate with the King of Spain, or Archduke Ernest †,

* Who died April 6, 1590. After his death the business of secretary of state appears to be chiefly done by Mr. Robert Cecil, who was knighted by Queen Elizabeth at Theobald's, about the beginning of June, 1591, and in August following sworn of the privy-council; but not actually appointed secretary of state till July 5, 1596. BIRCH.

† Ernest, Archduke of Austria, son of the Emperor Maximilian II. and governor of the Low Countries, upon which government he entered in June, 1594; but held it only a short time, dying February $\frac{1}{2}$ following. It was probably in pursuance of the advice of Mr. Francis Bacon in this paper, that Queen Elizabeth sent to the Archduke in 1594, to complain of the designs which had been formed against her life by the Count de Fuentes, and Don Diego de Ibarra, and other Spanish ministers concerned in governing the Low Countries after the death of Alexander Duke of Parma in December, 1592, and by the English fugitives there; and to desire him to signify those facts to the king of Spain, in order that he might vindicate his own character, by punishing his ministers, and delivering up to her such fugitives as were parties in such designs. *Camdeni Annales Eliz. Reginæ*, p. 625. Edit. Lugduni Bat. 1625. BIRCH.

who resides in the place where these conspiracies are most forged, upon the point of the law of nations, upon which kind of points princes enemies may with honour negociate, viz. that, contrary to the same law of nations, and the sacred dignity of kings, and the honour of arms, certain of her Majesty's subjects, if it be not thought meet to impeach any of his ministers, refuged in his dominions, have conspired and practised assassination against her majesty's person.

A

TRUE REPORT

OF THE

DETESTABLE TREASON,

INTENDED BY

DOCTOR RODERIGO LOPEZ,

A PHYSICIAN ATTENDING UPON THE PERSON OF THE QUEEN'S MAJESTY,

Whom he, for a sum of money, promised to be paid him by the king of Spain, did undertake to have destroyed by poison; with certain circumstances both of the plotting and detecting of the said treason.

[PENNED DURING THE QUEEN'S LIFE.]

THE king of Spain having found, by the enterprise of 88, the difficulty of an invasion of England; and having also since that time embraced the matters of France, being a design of a more easy nature, and better prepared to his hand, hath of necessity for a time laid aside the prosecution of his attempts against this realm, by open forces, as knowing his means unable to wield both actions at once, as well that of England as that of France; and therefore, casting at the fairest, hath, in a manner, bent his whole strength upon France, making, in the mean time, only a defensive war upon the Low Countries. But finding again, that the supports and aids which her majesty hath continued to the French king, are a principal impediment and retardation to his prevailing there according to his ends, he hath, now of late, by all means, projected to trouble the waters here, and to cut us out some work at home; that by practice, without diverting and employing any great forces, he might nevertheless divert our succours from France.

According to which purpose, he first proved to move some innovation in Scotland, not so much in hope to alienate the king from the amity of her majesty, as practising to make a party there against the king himself, whereby he should be compelled to use her majesty's forces for his assistance. Then he solicited a subject within this realm, being a person of great nobility, to rise in arms and levy war against her majesty; which practice was by the same nobleman loyally and prudently revealed. And lastly, rather, as it is to be thought, by the instigation of our traitorous fugitives in foreign parts, and the corrupter sort of his counsellors and ministers, than of his own nature and inclination, either of himself, or his said counsellors and ministers using his name, have descended to a course against all honour, all society and humanity, odious to God and man, detested by the heathens themselves, which is, to take away the life of her majesty, (which God have in his precious custody!) by violence or poison. A matter which might be proved to be not only against all Christianity and religion, but against nature, the law of nations, the honour of arms, the civil law, the rules of morality and policy; finally, to be the most condemned, barbarous, and ferine act that can be imagined; yea, supposing the quarrels and hostility between the princes to be never so declared and so mortal, yet were it not that it would be a very reproach unto the age, that the matter should be once disputed or called in question, it could never be defended. And therefore I leave it to the censure which Titus Livius giveth in the like case upon Perseus, the last king of the Macedons, afterwards overthrown, taken with his children, and led in triumph by the Romans; *Quem non justum bellum gerere regio animo, sed per omnia clandestina grassari scelera, latrociniorum ac veneficiorum, cernebant.*

But to proceed: certain it is, that even about this present time there have been suborned and sent into this realm divers persons, some English, some Irish, corrupted by money and promises, and resolved and conjured by priests in confession, to have executed

that most wretched and horrible fact; of which number certain have been taken, and some have suffered, and some are spared because they have with great sorrow confessed these attempts, and detested their suborners. And if I should conjecture what the reason is why this cursed enterprise was at this time so hotly and with such diligence pursued, I take it to be chiefly because the matters of France were ripe, and the king of Spain made himself ready to unmask himself, and to reap that in France, which he had been long in sowing, in regard that, there being like to be a divulsion in the league by the reconciliation of some of the heads to the king, the more passionate sort, being destituted by their associates, were like to cast themselves wholly into the king of Spain's arms, and to dismember some important piece of that crown; though now upon this fresh accident of receiving the king into Paris, it is to be thought that both the worst affected of the league will submit themselves upon any tolerable conditions to their natural king, thus advanced in strength and reputation; and the king of Spain will take a second advice ere he embark himself too far in any new attempt against France. But taking the affairs as they then stood before this accident unexpected, especially of the council of Spain, during this his supposed harvest in France, his council had reason to wish that there were no disturbance from hence, where they make account that if her majesty were removed, upon whose person God continue his extraordinary watch and providence! here would be nothing but confusion, which they do not doubt but with some no great treasure, and forces from without, may be nourished till they can more fully intend the ruin of this state, according to their ancient malice.

But howsoever that be, amongst the number of these execrable undertakers, there was none so much built and relied upon by the great ones of the other side, as was this physician Lopez; nor, indeed, none so dangerous; whether you consider the aptness of the instrument, or the subtlety and secrecy of those

that practised with him, or the shift and evasion which he had provided for a colour of his doings, if they should happen to come into question. For first, whereas others were to find and encounter infinite difficulties, in the very obtaining of an opportunity to execute this horrible act; and, besides, cannot but see present and most assured death before their eyes, and therefore must be, as it were, damnable votaries if they undertake it: this man, in regard of his faculty, and of his private access to her majesty, had both means to perpetrate, and means to conceal, whereby he might reap the fruit of his wicked treason without evident peril. And for his complices that practised with him, being Portuguese, and of the retinue of king Antonio, the king of Spain's mortal enemy, they were men thereby freed and discharged from suspicion, and might send letters and receive letters out of Spain without jealousy; as those which were thought to entertain intelligences there for the good of their master. And for the evasion and mask that Lopez had prepared for this treason, if it had not been searched and sifted to the bottom, it was, that he did intend but to cozen the king of Spain, without ill meaning; somewhat in the nature of that stratagem which Parry, a most cunning and artificial traitor, had provided for himself.

Nevertheless this matter, by the great goodness of God, falling into good hands, of those honourable and sufficient persons which dealt therein, was by their great and worthy industry so handled and followed, as this Proteus of a disguised and transformed treason did at last appear in his own likeness and colours, which were as foul and monstrous as have been known in the world. For some of her majesty's council long since entered into consideration, that the retinue of king Antonio, I mean some of them, were not unlike to hatch these kinds of treasons, in regard they were needy strangers, entered into despair of their master's fortune, and like enough to aspire to make their peace at home, by some such wicked services as these; and therefore grew to have an extraordinary vigilant eye

upon them: which prudent and discreet presumption, or conjecture, joined with some advertisements of espials abroad, and some other industry, was the first cause, next under the great benediction of God, which giveth unto princes zealous counsellors, and giveth to counsellors policy, and discerning thoughts, of the revealing and discovering of these treasons, which were contrived in order and form, as hereafter is set down.

This Lopez, of nation a Portuguese, and suspected to be in sect secretly a Jew, though here he conformed himself to the rites of the Christian religion, for a long time professed physic in this land, by occasion whereof, being withal a man very observant and officious, and of a pleasing and appliable behaviour; in that regard, rather than for any great learning in his faculty, he grew known and favoured in court, and was some years since sworn physician of her majesty's household; and by her majesty's bounty, of whom he had received divers gifts of good commodity, was grown to good estate of wealth.

This man had insinuated himself greatly, in regard he was of the same nation, with the king Antonio, whose causes he pretended to solicit at the court: especially while he supposed there was any appearance of his fortune; of whom also he had obtained, as one that referred all his doings to gain, an assignation of 50,000 crowns to be levied in Portugal. But being a person wholly of a corrupt and mercenary nature, and finding his hopes cold from that part; he cast his eyes upon a more able paymaster, and secretly made offer long since of his service to the king of Spain: and accordingly gave sundry intelligences of that which passed here, and imported most for the king of Spain to know, having no small means, in regard of his continual attendance at court, nearness, and access, to learn many particulars of great weight: which intelligences he maintained with Bernardine Mendoza, Antonio Vega, Roderigo Marquez, and divers others.

In the conveyance of which his intelligences, and

in the making known of his disposition to do the king of Spain service, he had, amongst others, one Manuel Andrada a Portuguese, revolted from Don Antonio to the king of Spain; one that was discovered to have practised the death of the said Don Antonio, and to have betrayed him to Bernardine Mendoza. This man coming hither, was, for the same, his practice appearing by letters intercepted, apprehended and committed to prison. Before which time also, there had been by good diligence intercepted other letters, whereby the said Andrada advertised Mendoza, that he had won Dr. Lopez to the king's service: but Lopez having understanding thereof, and finding means to have secret conference with Andrada before his examination, persuaded with him to take the matter upon himself, as if he had invented that advertisement touching Lopez, only to procure himself credit with Mendoza; and to make him conceive well of his industry and service. And to move him hereunto, Lopez set before Andrada, that if he did excuse him, he should have credit to work his delivery: whereas, if he did impeach him, he was not like to find any other means of favour. By which subtle persuasion Andrada, when he came to be examined, answered according to the direction and lessoning which Lopez had given him. And having thus acquitted himself of this suspicion, became suitor for Andrada's delivery, craftily suggesting, that he was to do some notable service to Don Antonio; in which his suit he accordingly prevailed. When Lopez had thus got Andrada out of prison, he was suffered to go out of the realm into Spain; in pretence, as was said, to do some service to Don Antonio; but in truth, to continue Lopez's negociation and intelligences with the king of Spain; which he handled so well, as at his return hither, for the comforting of the said Lopez, he brought to him from the king, besides thanks and words of encouragement, and an Abrazo, which is the complement of favour, a very good jewel garnished with sundry stones of good value. This jewel, when Lopez had accepted, he cunningly cast with himself, that if he

should offer it to her majesty first, he was assured she would not take it: next, that thereby he should lay her asleep, and make her secure of him for greater matters, according to the saying, *Fraus sibi fidem in parvis præstruit ut in magnis opprimat;* which accordingly he did, with protestations of his fidelity: and her majesty, as a princess of magnanimity, not apt to fear or suspicion, returned it to him with gracious words.

After Lopez had thus abused her majesty, and had these trials of the fidelity of Andrada, they fell in conference, the matter being first moved by Andrada, as he that came freshly out of Spain, touching the empoisoning of the queen: which Lopez, who saw that matter of intelligence, without some such particular service, would draw no great reward from the king of Spain; such as a man that was not needy, but wealthy as he was, could find any taste in, assented unto. And to that purpose procured again this Andrada to be sent over, as well to advertise and assure this matter to the king of Spain and his ministers, namely, to the count de Fuentes, assistant to the general of the king of Spain's forces in the Low Countries, as also to capitulate and contract with him about the certainty of his reward. Andrada having received those instructions, and being furnished with money, by Lopez's procurement, from Don Antonio, about whose service his employment was believed to be, went over to Calais, where he remained to be near unto England and Flanders, having a boy that ordinarily passed to and fro between him and Lopez: by whom he did also, the better to colour his employment, write to Lopez intelligence, as it was agreed he should between him and Lopez; who bad him send such news as he should take up in the streets. From Calais he writeth to count de Fuentes of Lopez's promise and demands. Upon the receipt of which letters, after some time taken to advertise this proposition into Spain, and to receive direction thereupon, the count de Fuentes associated with Stephano Ibarra, secretary of the council of the wars in the Low Countries, calleth to him

one Manuel Louis Tinoco, a Portuguese, who had also followed king Antonio, and of whose good devotion he had had experience, in that he had conveyed unto him two several packets, wherewith he was trusted by the king Antonio for France. Of this Louis they first received a corporal oath, with solemn ceremony, taking his hands between their hands, that he should keep secret that which should be imparted to him, and never reveal the same, though he should be apprehended and questioned here. This done, they acquaint him with the letters of Andrada, with whom they charge him to confer at Calais in his way, and to pass to Lopez into England, addressing him farther to Stephano Ferrera de Gama, and signifying unto the said Lopez withal, as from the king, that he gave no great credence to Andrada, as a person too slight to be used in a cause of so great weight: and therefore marvelled much that he heard nothing from Ferrera of this matter, from whom he had in former time been advertised in generality of Lopez's good affection to do him service. This Ferrera had been sometimes a man of great livelihood and wealth in Portugal, which he did forego in adhering to Don Antonio, and appeareth to be a man of capacity and practice; but hath some years since been secretly won to the service of the king of Spain, not travelling nevertheless to and fro, but residing as his lieger in England.

Manuel Louis dispatched with these instructions, and with all affectionate commendations from the count to Lopez, and with letters to Ferrera, took his journey first to Calais, where he conferred with Andrada; of whom receiving more ample information, together with a short ticket of credence to Lopez, that he was a person whom he might trust without scruple, came over into England, and first repaired to Ferrera, and acquainted him with the state of the business, who had before that time given some light unto Lopez, that he was not a stranger unto the practice between him and Andrada, wherewith, indeed, Andrada had in a sort acquainted him. And now upon this new dispatch and knowledge given to Lopez of the choice of Fer-

rera to continue that which Andrada had begun; he, to conform himself the better to the satisfaction of the king of Spain, and his ministers abroad, was content more fully to communicate with Ferrera, with whom, from that time forward, he meant singly and apertly to deal; and therefore cunningly forbore to speak with Manuel Louis himself; but concluded that Ferrera should be his only trunk, and all his dealings should pass through his hands, thinking thereby to have gone invisible.

Whereupon he cast with himself, that it was not safe to use the mediation of Manuel Louis, who had been made privy to the matter, as some base carrier of letters; which letters also should be written in a cipher, not of alphabet, but of words; such as might, if they were opened, import no vehement suspicion. And therefore Manuel Louis was sent back with a short answer, and Lopez purveyed himself of a base fellow, a Portuguese called Gomez d'Avila, dwelling hard by Lopez's house, to convey his letters. After this messenger provided, it was agreed between Lopez and Ferrera, that letters should be sent to the count de Fuentes, and secretary Juarra, written and signed by Ferrera, for Lopez cautelously did forbear to write himself, but directed, and indeed dictated word by word by Lopez himself. The contents thereof were, that Lopez was ready to execute that service to the king, which before had been treated, but required for his recompence the sum of 50,000 crowns, and assurance for the same.

These letters were written obscurely, as was touched, in terms of merchandise; to which obscurity when Ferrera excepted, Lopez answered, they knew his meaning by that which had passed before. Ferrera wrote also to Manuel Louis, but charged this Gomez to deliver the same letters unto him in the presence of Juarra; as also the letter to Juarra in the presence of Manuel Louis. And these letters were delivered to Gomez d'Avila to be carried to Brussels, and a passport procured, and his charges defrayed by Lopez. And Ferrera, the more to approve his industry, writ

letters two several times, the one conveyed by Emanuel Pallacios, with the privity of Lopez, to Christophero Moro, a principal counsellor of the king of Spain, in Spain; signifying that Lopez was won to the king of Spain, and that he was ready to receive his commandment; and received a letter from the same Christophero Moro, in answer to one of these, which he shewed unto Lopez. In the mean time Lopez, though a man, in semblance, of a heavy wit, yet indeed subtle of himself, as one trained in practice, and besides as wily as fear and covetousness could make him, thought to provide for himself, as was partly touched before, as many starting holes and evasions as he could devise, if any of these matters should come to light. And first he took his time to cast forth some general words afar off to her majesty, as asking her the question, Whether a deceiver might not be deceived? Whereof her majesty, not imagining these words tended to such end, as to warrant him colourably in this wretched conspiracy, but otherwise, of her own natural disposition bent to integrity and sincerity, uttered dislike and disallowance. Next, he thought he had wrought a great mystery in demanding the precise sum of 50,000 crowns, agreeing just with the sum of assignation or donation from Don Antonio; idly, and in that grossly imagining, that, if afterwards he should accept the same sum, he might excuse it, as made good by the king of Spain, in regard he desisted to follow and favour Don Antonio; whereupon the king of Spain was in honour tied not to see him a loser. Thirdly, in his conferences with Ferrera, when he was apposed upon the particular manner how he would poison her majesty, he purposely named unto him a syrup, knowing that her majesty never useth syrup; and therefore thinking that would prove an high point for his justification, if things should come in any question.

But all this while desirous after his prey, which he had in hope devoured, he did instantly importune Ferrera for the answering of his last dispatch, finding the delay strange, and reiterating the protestations of

his readiness to do the service, if he were assured of his money.

Now before the return of Gomez d'Avila into England, this Stephen Ferrera was discovered to have intelligence with the enemy; but so, as the particular of his traffic and overtures appeared not, only it seemed there was great account made of that he managed: and thereupon he was committed to prison. Soon after arrived Gomez d'Avila, and brought letters only from Manuel Louis, by the name of Francisco de Thores; because, as it seemeth, the great persons on the other side had a contrary disposition to Lopez, and liked not to write by so base a messenger, but continued their course to trust and employ Manuel Louis himself, who in likelihood was retained till they might receive a full conclusion from Spain; which was not till about two months after. This Gomez was apprehended at his landing, and about him were found the letters aforesaid, written in jargon, or verbal cipher, but yet somewhat suspicious, in these words: "This "bearer will tell you the price in which your pearls are "esteemed, and in what resolution we rest about a "little musk and amber, which I am determined to "buy." Which words the said Manuel Louis afterwards voluntarily confessed to be deciphered in this sort; That by the allowance of the pearls he meant, that the count de Fuentes, and the secretary, did gladly accept the offer of Lopez to poison the queen, signified by Ferrera's letter: and for the provision of amber and musk, it was meant, that the count looked shortly for a resolution from the king of Spain concerning a matter of importance, which was for burning of the queen's ships; and another point tending to the satisfaction of their vindictive humour.

But while the sense of this former letter rested ambiguous, and that no direct particular was confessed by Ferrera, nor sufficient light given to ground any rigorous examination of him, cometh over Manuel Louis with the resolution from Spain; who first understanding of Ferrera's restraint, and therefore doubting how far things were discovered, to shadow the matter,

like a cunning companion, gave advertisement of an intent he had to do service, and hereupon obtained a passport: but after his coming in, he made no haste to reveal any thing, but thought to dally and abuse in some other sort. And while the light was thus in the clouds, there was also intercepted a little ticket which Ferrera in prison had found means to write, in care to conceal Lopez, and to keep him out of danger, to give a caveat of staying all farther answers and advertisements in these causes. Whereupon Lopez was first called in question.

But in conclusion, this matter being with all assiduity and policy more and more pierced and mined into, first, there was won from Manuel Louis his letters from the count de Fuentes and secretary Juarra to Ferrera, in both which mention is made of the queen's death; in that of the count's, under the term of a commission; and in that of the secretary's, under the term of the great service, whereof should arise an universal benefit to the whole world. Also the letters of credit written by Gonsalo Gomez, one to Pedro de Carrera, and the other to Juan Pallacio, to take up a sum of money by Manuel Louis, by the foresaid false name of Fr. de Thores; letters so large, and in a manner without limitation, as any sum by virtue thereof might be taken up: which letters were delivered to Louis by the count de Fuentes's own hands, with directions to shew them to Lopez for his assurance; a matter of God's secret working in staying the same, for thereupon rested only the execution of the fact of Lopez. Upon so narrow a point consisted the safety of her majesty's life, already sold by avarice to malice and ambition, but extraordinarily preserved by that watchman which never slumbereth. This same Manuel Louis, and Stephen Ferrera also, whereof the one managed the matter abroad, and the other resided here to give correspondence, never meeting after Manuel had returned, severally examined without torture or threatening, did in the end voluntarily and clearly confess the matters above-mentioned, and in their confessions fully consent and concur, not only in substance,

but in all points, particularities, and circumstances; which confessions appear expressed in their own natural language, testified and subscribed with their own hands; and in open assembly, at the arraignment of Lopez in the Guildhall, were by them confirmed and avouched to Lopez his face; and therewithal are extant, undefaced, the original letters from count de Fuentes, secretary Juarra, and the rest.

And Lopez himself, at his first apprehension and examination, did indeed deny, and deny with deep and terrible oaths and execrations, the very conferences and treaties with Ferrera, or Andrada, about the empoisonment. And being demanded, if they were proved against him what he would say? he answered, That he would yield himself guilty of the fact intended. Nevertheless, being afterwards confronted by Ferrera, who constantly maintained to him all that he had said, reducing him to the times and places of the said conferences, he confessed the matter, as by his confession in writing, signed with his own hand, appeareth. But then he fell to that slender evasion, as his last refuge, that he meant only to cozen the king of Spain of the money: and in that he continued at his arraignment, when, notwithstanding, at the first he did retract his own confession: and yet being asked, whether he was drawn, either by means of torture, or promise of life, to make the same confession? he did openly testify that no such means were used towards him.

But the falsehood of this excuse, being an allegation that any traitor may use and provide for himself, is convicted by three notable proofs. The first, that he never opened this matter, neither unto her majesty, unto whom he had ordinary access, nor to any counsellor of state, to have permission to toll on, and inveigle these parties with whom he did treat, if it had been thought so convenient; wherein, percase, he had opportunity to have done some good service, for the farther discovery of their secret machinations against her majesty's life. The second, that he came too late to this shift; having first bewrayed his guilty conscience, in denying those treaties and conferences till

they were evidently and manifestly proved to his face. The third, that in conferring with Ferrera about the manner of his assurance, he thought it better to have the money in the hands of such merchants as he should name in Antwerp, than to have it brought into England; declaring his purpose to be, after the fact done, speedily to fly to Antwerp, and there to tarry some time, and so to convey himself to Constantinople; where it is affirmed, that Don Salomon, a Jew in good credit, is Lopez his near kinsman, and that he is greatly favoured by the said Don Salomon: whereby it is evident that Lopez had cast his reckonings upon the supposition of the fact done.

Thus may appear, both how justly this Lopez * is condemned for the highest treason that can be imagined; and how, by God's marvellous goodness, her majesty hath been preserved. And surely, if a man do truly consider, it is hard to say, whether God hath done greater things by her majesty or for her: if you observe on the one side, how God hath ordained her government to break and cross the unjust ambition of the two mighty potentates, the king of Spain and the Bishop of Rome, never so straitly between themselves combined: and on the other side, how mightily God hath protected her, both against foreign invasion and inward troubles, and singularly against the many secret conspiracies that have been made against her life; thereby declaring to the world that he will indeed preserve that instrument which he hath magnified. But the corruptions of these times are wonderful, when that wars, which are the highest trials of right between princes, that acknowledge no superior jurisdiction, and ought to be prosecuted with all honour, shall be stained and infamed with such foul and inhuman practices. Wherein if so great a king hath been named, the rule of the civil law, which is a rule of common reason, must be remembered; *Frustra legis auxilium implorat, qui in legem committit.* He that hath sought to violate the majesty royal, in the highest degree, cannot claim the pre-eminence thereof to be exempted from just imputation.

* Lopez was executed 7th June, 1594.

THE

*PROCEEDINGS

OF THE

EARL OF ESSEX.

The points of form worthy to be observed.

THE fifth of June in Trinity term, upon Thursday, being no Star-chamber day, at the ordinary hour when the courts sit at Westminster, were assembled together at the lord-keeper's house in the great chamber, her majesty's privy-council, enlarged and assisted for that time and cause by the special call and associating of certain selected persons, *viz.* four earls, two barons, and four judges of the law, making in the whole a council or court of eighteen persons, who were attended by four of her majesty's learned counsel for charging the earl; and two clerks of the council, the one to read, the other as a register; and an auditory of persons, to the number, as I could guess, of two hundred, almost all men of quality, but of every kind or profession; nobility, court, law, country, city. The upper end of the table left void for the earl's appearance, who, after the commissioners had sat a while, and the auditory was quiet from the first throng to get in, and the doors shut, presented himself and kneeled down at the board's end, and so continued till he was licensed to stand up.

The names of the commissioners.

Lord Archbishop,
Lord Keeper, *etc.*

* At York-House, in June, 1600, prepared for queen Elizabeth by her command, and read to her by Mr. Bacon, but never published.

IT was opened, that her majesty being imperial, and immediate under God, was not holden to render account of her actions to any; howbeit, because she had chosen ever to govern, as well with satisfaction as with sovereignty, and the rather, to command down the winds of malicious and seditious rumours wherewith mens conceits may have been tossed to and fro, she was pleased to call the world to an understanding of her princely course held towards the earl of Essex, as well in here-before protracting as in now proceeding. A declaration of her majesty's proceeding.

The earl repairing from his government into this realm in August last, contrary to her majesty's express and most judicial commandment, though the contempt were in that point visible, and her majesty's mind prepared to a just and high displeasure, in regard of that realm of Ireland set at hazard by his former disobedience to her royal directions, yet kept that stay, as she commanded my lord only to his chamber in court, until his allegations might by her privy council be questioned and heard; which account taken, and my lord's answers appearing to be of no defence, that shadow of defence which was offered consisted of two parts, the one his own conceit of some likelihood of good effects to ensue of the course held, the other a vehement and over-ruling persuasion of the council there, though he were indeed as absolutely freed from opinion of the council of Ireland, as he was absolutely tied to her majesty's trust and instructions. Nevertheless, her majesty not unwilling to admit any extenuation of his offence; and considering the one point required advertisement out of Ireland, and the other further expectation of the event and sequel of the affairs there, and so both points asked time and protraction; her majesty proceeded still with reservation, not to any restraint of my lord according to the nature and degree of his offence, but to a commitment of him, *sub libera custodia*, in the lord-keeper's house.

After, when both parts of this defence plainly failed my lord, yea, and proved utterly adverse to him, for the

council of Ireland in plain terms disavowed all those his proceedings, and the event made a miserable interpretation of them, then her majesty began to behold the offence in nature and likeness, as it was divested from any palliation or cover, and in the true proportion and magnitude thereof, importing the peril of a kingdom: which consideration wrought in her majesty a strange effect, if any thing which is heroical in virtue can be strange in her nature; for when offence was grown unmeasurably offensive, then did grace superabound; and in the heat of all the ill news out of Ireland, and other advertisements thence to my lord's disadvantage, her majesty entered into a resolution, out of herself and her inscrutable goodness, not to overthrow my lord's fortune irreparably, by public and proportionable justice: notwithstanding, inasmuch as about that time there did fly about in London streets and theatres divers seditious libels; and Powles and ordinaries were full of bold and factious discourses, whereby not only many of her majesty's faithful and zealous counsellors and servants were taxed, but withal the hard estate of Ireland was imputed to any thing rather than unto the true cause, the earl's defaults, though this might have made any prince on earth to lay aside straightways the former resolution taken, yet her majesty in her moderation persisted in her course of clemency, and bethought herself of a mean to right her own honour, and yet spare the earl's ruin; and therefore taking a just and most necessary occasion upon these libels, of an admonition to be given seasonably, and as is oft accustomed; the last Star-chamber day of Michaelmas term, was pleased, that declaration should be made, by way of testimony, of all her honourable privy council, of her majesty's infinite care, royal provisions, and prudent directions for the prosecutions in Ireland, wherein the earl's errors, by which means so great care and charge was frustrated, were incidently touched.

But as in bodies very corrupt, the medicine rather stirreth and exasperateth the humour than purgeth it, so some turbulent spirits laid hold of this proceeding in

so singular partiality towards my lord, as if it had been to his disadvantage, and gave out that this was to condemn a man unheard, and to wound him on his back, and to leave Justice her sword and take away her balance, which consisted of an accusation and a defence; and such other seditious phrases: whereupon her majesty seeing herself interested in honour, which she hath ever sought to preserve as her eye, clear and without mote, was inforced to resolve of a judicial hearing of the cause, which was accordingly appointed in the end of Hilary term. At the which time warning being given to my lord to prepare himself, he falling, as it seemed, in a deep consideration of his estate, made unto her majesty by letter an humble and effectual submission, beseeching her that that bitter cup of justice might pass from him, for those were his words; which wrought such an impression in her majesty's mind, that it not only revived in her her former resolution to forbear any public hearing, but it fetched this virtue out of mercy by the only touch, as few days after my lord was removed to further liberty in his own house, her majesty hoping that these bruits and malicious imputations would of themselves wax old and vanish: but finding it otherwise in proof, upon taste taken by some intermission of time, and especially beholding the humour of the time in a letter presumed to be written to her majesty herself by a lady, to whom, though nearest in blood to my lord, it appertained little to intermeddle in matters of this nature, otherwise than in course of humility to have solicited her grace and mercy; in which letter, in a certain violent and mineral spirit of bitterness, remonstrance and representation is made to her majesty, as if my lord suffered under passion and faction, and not under justice mixed with mercy; which letter, though written to her sacred majesty, and therefore unfit to pass in vulgar hands, yet was first divulged by copies every where, that being, as it seemeth, the newest and finest form of libelling, and since committed to the press: her majesty in her wisdom seeing manifestly these rumours thus nourished had got too great a head

to be repressed without some hearing of the cause, and calling my lord to answer; and yet on the other side, being still informed touching my lord himself of his continuance of penitence and submission, did in conclusion resolve to use justice, but with the edge and point taken off and rebated; for whereas nothing leaveth that teint upon honour, which in a person of my lord's condition is hardliest repaired, in question of justice, as to be called to the ordinary and open place of offenders and criminals, her majesty had ordered that the hearing should be *intra domesticos parietes*, and not *luce forensi*. And whereas again in the Star-chamber there be certain formalities not fit in regard of example to be dispensed with, which would strike deeper both into my lord's fortune and reputation; as the fine which is incident to a sentence there given, and the imprisonment of the Tower, which in case of contempts that touch the point of estate doth likewise follow; her majesty turning this course, had directed that the matters should receive, before a great, honourable, and selected council, a full and deliberate, and yet in respect, a private, mild, and gracious hearing.

All this was not spoken in one undivided speech, but partly by the first that spake of the learned counsel, and partly by some of the commissioners; for in this and the rest I keep order of matter, and not of circumstance.

The matters laid to my Lord's charge.

The charge. The matters wherewith my lord was charged were of two several natures; of an higher, and of an inferior degree of offence.

The former kind purported great and high contempts and points of misgovernance in his office of her majesty's lieutenant and governor of her realm of Ireland; and in the trust and authority thereby to him committed.

The latter contained divers notorious errors and neglects of duty, as well in his government as otherwise.

The great contempts and points of misgovernment and malversation in his office, were articulate into three heads.

The three principal articles.

I. The first was the journey into Munster, whereby the prosecution in due time upon Tyrone in Ulster was overthrown: wherein he proceeded contrary to his directions, and the whole design of his employment: whereof ensued the consumption of her majesty's army, treasure, and provisions, and the evident peril of that kingdom.

II. The second was the dishonourable and dangerous treaty held, and cessation concluded with the same arch-rebel Tyrone.

III. The third was his contemptuous leaving his government, contrary to her majesty's absolute mandate under her hand and signet, and in a time of so imminent and instant danger.

That her majesty's direction was precise and absolute for the northern prosecution.

For the first, it had two parts; that her majesty's resolution and direction was precise and absolute for the northern prosecution, and that the same direction was by my lord, in regard of the journey to Munster, wilfully and contemptuously broken.

It was therefore delivered, that her majesty, touched with a true and princely sense of the torn and broken estate of that kingdom of Ireland, entered into a most Christian and magnanimous resolution to leave no faculty of her regal power or policy unimployed for the reduction of that people, and for the suppressing and utter quenching of that flame of rebellion, wherewith that country was and is wasted: whereupon her majesty was pleased to take knowledge of the general conceit, how the former making and managing of the actions there had been taxed, upon two exceptions; the one, that the proportions of forces which had been there maintained and continued by supplies, were not sufficient to bring the prosecutions to a period: the other, that the prosecutions had been also intermixed and interrupted with too many temporizing treaties, whereby the rebel did not only gather strength, but also find his

strength more and more, so as ever such smothers broke forth again into greater flames. Which kind of discourses and objections, as they were entertained in a popular kind of observation, so were they ever chiefly patronized and apprehended by the earl, both upon former times and occasions, and now last when this matter was in deliberation. So as her majesty, to acquit her honour and regal function, and to give this satisfaction to herself and others, that she had left no way untried, resolved to undertake the action with a royal army and puissant forces, under the leading of some principal nobleman; in such sort, that, as far as human discourse might discern, it might be hoped, that by the expedition of a summer things might be brought to that state, as both realms may feel some ease and respiration; this from charge and levies, and that from troubles and perils. Upon this ground her majesty made choice of my lord of Essex for that service, a principal peer and officer of her realm, a person honoured with the trust of a privy counsellor, graced with the note of her majesty's special favour, infallibly betokening and redoubling his worth and value, enabled with the experience and reputation of former services, and honourable charges in the wars; a man every way eminent, select, and qualified for a general of a great enterprise, intended for the recovery and reduction of that kingdom, and not only or merely as a lieutenant or governor of Ireland.

My lord, after that he had taken the charge upon him, fell straightways to make propositions answerable to her majesty's ends, and answerable to his own former discourses and opinions; and chiefly did set down one full and distinct resolution, that the design and action, which of all others was most final and summary towards an end of those troubles, and which was worthy her majesty's enterprise with great and puissant forces, was a prosecution to be made upon the arch-traitor Tyrone in his own strengths within the province of Ulster, whereby both the inferior rebels which rely upon him, and the foreigner upon whom he relieth, might be discouraged, and so to cut asunder both

dependences: and for the proceeding with greater strength and policy in that action, that the main invasion and impression of her majesty's army should be accompanied and corresponded unto by the plantation of strong garrisons in the north, as well upon the river of Loghfoile as a postern of that province, as upon the hither frontiers, both for the distracting and bridling of the rebels forces during the action, and again, for the keeping possession of the victory, if God should send it.

This proposition and project moving from my lord, was debated in many consultations. The principal men of judgment and service in the wars, as a council of war to assist a council of state, were called at times unto it; and this opinion of my lord was by himself fortified and maintained against all contradiction and opposite argument; and in the end, *ex unanimi consensu*, it was concluded and resolved that the ax should be put to the root of the tree: which resolution was ratified and confirmed by the binding and royal judgment of her sacred majesty, who vouchsafed her kingly presence at most of those consultations.

According to a proposition and enterprise of this nature, were the proportions of forces and provisions thereunto allotted. The first proportion set down by my lord was the number of 12,000 foot and 1200 horse; which being agreed unto, upon some other accident out of Ireland, the earl propounded to have it made 14,000 foot, and 1300 horse, which was likewise accorded; within a little while after the earl did newly insist to have an augmentation of 2000 more, using great persuasions and confident significations of good effect, if those numbers might be yielded to him, as which he also obtained before his departure; and besides the supplies of 2000 arriving in July, he had authority to raise 2000 Irish more, which he procured by his letters out of Ireland, with pretence to further the northern service: so as the army was raised in the conclusion and list to 16,000 foot, and 1300 horse, supplied with 2000 more at three months end, and increased with 2000 Irish upon this new demand;

whereby her majesty at that time paid 18,000 foot and 1300 horse in the realm of Ireland. Of these forces, divers companies drawn out of the experienced bands of the Low Countries; special care taken that the new levies in the country should be of the ablest, and most disposed bodies; the army also animated and encouraged with the service of divers brave and valiant noblemen and gentlemen voluntaries; in sum, the most flourishing and complete troops that have been known to have been sent out of our nation in any late memory. A great mass of treasure provided and issued, amounting to such a total, as the charge of that army, all manner of ways, from the time of the first provisions and setting forth, to the time of my lord's returning into England, was verified to have drawn out of the coffers, besides the charge of the country, the quantity of 300,000l, and so ordered as he carried with him three months pay beforehand, and likewise victual, munition, and all habiliments of war whatsoever, with attendance of shipping allowed and furnished in a sortable proportion, and to the full of all my lord's own demands. For my lord being himself a principal counsellor for the preparations, as he was to be an absolute commander in the execution, his spirit was in every conference and conclusion in such sort, as when there happened any points of difference upon demands, my lord using the forcible advantages of the toleration and liberty which her majesty's special favour did give unto him, and the great devotion and forwardness of his fellow-counsellors to the general cause, and the necessity of his then present service, he did ever prevail and carry it; insomuch as it was objected and laid to my lord's charge as one of his errors and presumptions, that he did oftentimes, upon their propositions and demands, enter into contestations with her majesty, more a great deal than was fit. All which propositions before mentioned being to the utmost of my lord's own askings, and of that height and greatness, might really and demonstratively express and intimate unto him, besides his particular know-

ledge which he had, as a counsellor of estate, of the means both of her majesty and this kingdom, that he was not to expect to have the commandment of 16,000 foot and 1300 horse, as an appurtenance to his lieutenancy of Ireland, which was impossible to be maintained; but contrariwise, that in truth of intention he was designed as general for one great action and expedition, unto which the rest of his authority was but accessary and accommodate.

It was delivered further, that in the authority of his commission, which was more ample in many points than any former lieutenant had been vested with, there were many direct and evident marks of his designation to the northern action, as principally a clause whereby *merum arbitrium belli et pacis* was reposed in his sole trust and discretion, whereas all the lieutenants were ever tied unto the peremptory assistance and admonition of a certain number of voices of the council of Ireland. The occasion of which clause so passed to my lord, doth notably disclose and point unto the precise trust committed to my lord for the northern journey; for when his commission was drawn at first according to former precedents, and on the other side my lord insisted strongly to have this new and *prima facie* vast and exorbitant authority, he used this argument; that the council of Ireland had many of them livings and possessions in or near the province of Lemster and Munster; but that Ulster was abandoned from any such particular respects, whereby it was like, the council there would be glad to use her majesty's forces for the clearing and assuring of those territories and countries where their fortunes and estates were planted: so as, if he should be tied to their voices, he were like to be diverted from the main service intended: upon which reason that clause was yielded unto.

So as it was then concluded, that all circumstances tended to one point, that there was a full and precise intention and direction for Ulster, and that my lord could not descend into the consideration of his own quality and value; he could not muster his fair army; he

could not account with the treasurer, and take consideration of the great mass of treasure issued; he could not look into the ample and new clause of his letters patents; he could not look back, either to his own former discourses, or to the late propositions whereof himself was author, nor to the conferences, consultations, and conclusions thereupon, nor principally to her majesty's royal direction and expectation, nor generally to the conceit both of subjects of this realm, and the rebels themselves in Ireland; but which way soever he turned, he must find himself trusted, directed, and engaged wholly for the northern expedition.

The parts of this that was charged were verified by three proofs: the first, the most authentical but the least pressed, and that was her majesty's own royal affirmation, both by her speech now and her precedent letters; the second, the testimony of the privy council, who upon their honours did avouch the substance of that was charged, and referred themselves also to many of their lordships letters to the same effect; the third, letters written from my lord after his being in Ireland, whereby the resolution touching the design of the north is often knowledged.

The proofs. There follow some clauses both of her majesty's letters and of the lords of her council, and of the earl's and the council of Ireland, for the verification of this point.

Her majesty, in her letter of the 19th of July to my lord of Essex, upon the lingering of the northern journey, doubting my lord did value service, rather by the labour he endured, than by the advantage of her majesty's royal ends, hath these words:

Her majesty to the earl of Essex 19th of July, immediately after the Munster journey. "You have in this dispatch given us small light, "either when or in what order you intend particularly "to proceed to the northern action; wherein if you "compare the time that is run on, and the excessive "charges that are spent, with the effects of any thing "wrought by this voyage, howsoever we remain satis- "fied with your own particular cares and travails of "body and mind, yet you must needs think that we, "that have the eyes of foreign princes upon our

" actions, and have the hearts of people to comfort " and cherish, who groan under the burthen of con- " tinual levies and impositions, which are occasioned " by these late actions, can little please ourself hither- " to with any thing that hath been effected."

In another branch of the same letter, reflecting her royal regard upon her own honour interested in this delay, hath these words:

" Whereunto we will add this one thing that doth A second clause of the same letter. " more displease us than any charge or offence that " happens, which is, that it must be the queen of " England's fortune, who hath held down the greatest " enemy she had, to make a base bush-kern to be ac- " counted so famous a rebel, as to be a person against " whom so many thousands of foot and horse, besides " the force of all the nobility of that kingdom, must " be thought too little to be imployed."

In another branch, discovering, as upon the vantage ground of her princely wisdom, what would be the issue of the courses then held, hath these words:

" And therefore, although by your letter we found A third clause of the same letter. " your purpose to go northwards, on which depends " the main good of our service, and which we ex- " pected long since should have been performed; yet " because we do hear it bruited, besides the words of " your letter written with your own hand, which " carries some such sense, that you who alledge such " sickness in your army by being travelled with you, " and find so great and important affairs to digest at " Dublin, will yet ingage yourself personally into " Ophalie, being our lieutenant, when you have there " so many inferiors able, might victual a fort, or seek " revenge against those who have lately prospered " against our forces. And when we call to mind how " far the sun hath run his course, and what dependeth " upon the timely plantation of garrisons in the North, " and how great scandal it would be to our honour to " leave that proud rebel unassayed, when we have " with so great an expectation of our enemies engaged " ourselves so far in the action; so that, without that " be done, all those former courses will prove like *via*

" *navis in mari;* besides that our power, which " hitherto hath been dreaded by potent enemies, will " now even be held contemptible amongst our rebels: " we must plainly charge you, according to the duty " you owe to us, so to unite soundness of judgment " to the zeal you have to do us service, as with all " speed to pass thither in such sort, as the ax might be " put to the root of that tree, which hath been the " treasonable stock from whom so many poisoned " plants and grafts have been derived; by which pro- " ceedings of yours, we may neither have cause to " repent of our imployment of yourself for omitting " those opportunities to shorten the wars, nor receive " in the eye of the world imputation of so much weak- " ness in ourself, to begin a work without better " foresight what would be the end of our excessive " charge, the adventure of our people's lives, and the " holding up of our own greatness against a wretch, " whom we have raised from the dust, and who could " never prosper, if the charges we have been put to " were orderly imployed."

Her majesty to my lord of Essex, 30th July.

Her majesty in her particular letter written to my lord the 30th of July, bindeth, still expressly upon the northern prosecution, my lord *ad principalia rerum*, in these words:

" First, you know right well, when we yielded to " this excessive charge, it was upon no other founda- " tion than to which yourself did ever advise us as " much as any, which was, to assail the northern " traitor, and to plant garrisons in his country; it " being ever your firm opinion, amongst other our " council, to conclude that all that was done in other " kind in Ireland, was but waste and consumption."

Her majesty in her letter of the 9th of August to my lord of Essex and the council of Ireland, when, after Munster journey, they began in a new time to dissuade the northern journey in her excellent ear, quickly finding a discord of men from themselves, chargeth them in these words:

Her majesty to my lord and

" Observe well what we have already written, and " apply your counsels to that which may shorten, and

'not prolong the war; seeing never any of you was 'of other opinion, than that all other courses were 'but consumptions, except we went on with the 'northern prosecution." the council of Ireland, 9th August.

The lords of her majesty's council, in their letter of the 10th of August to my lord of Essex and the council of Ireland, do in plain terms lay before them the first plot, in these words:

"We cannot deny but we did ground our counsels "upon this foundation, That there should have been "a prosecution of the capital rebels in the North, "whereby the war might have been shortened; which "resolution, as it was advised by yourself before your "going, and assented to by most part of the council "of war that were called to the question, so must we "confess to your lordship, that we have all this while "concurred with her majesty in the same desire and "expectation." The lords of the council to my lord and the council of Ireland, 10th August.

My lord of Essex, and the council of Ireland, in their letter of the 5th of May to the lords of the council before the Munster journey, write *in hæc verba.*

"Moreover, in your lordships great wisdom, you "will likewise judge what pride the rebels will grow "to, what advantage the foreign enemy may take, "and what loss her majesty shall receive, if this sum- "mer the arch-traitor be not assailed, and garrisons "planted upon him." My lord of Essex and the council of Ireland to the lords, 5th May.

My lord of Essex, in his particular letter of the 11th of July, to the lords of the council, after Munster journey, writeth thus:

"As fast as I can call these troops together, I will "go look upon yonder proud rebel, and if I find "him on hard ground, and in an open country, "though I should find him in horse and foot three for "one, yet will I by God's grace dislodge him, or put "the council to the trouble of," *etc.* The earl to the lords, 11th July.

The earl of Essex, in his letter of the 14th of August to the lords of the council, writeth out of great affection, as it seemeth, in these words:

"Yet must these rebels be assailed in the height of "their pride, and our base clowns must be taught to The earl to the lords Au

" fight again; else will her majesty's honour never be " recovered, nor our nation valued, nor this kingdom " reduced."

Besides it was noted, that whereas my lord and the council of Ireland, had, by theirs of the 15th of July, desired an increase of 2000 Irish purposely for the better setting on foot of the northern service; her majesty, notwithstanding her proportions, by often gradations and risings, had been raised to the highest elevation, yet was pleased to yield unto it.

1. The first part concerneth my lord's ingress into his charge, and that which passed here before his going hence; now followeth an order, both of time and matter, what was done after my lord was gone into Ireland, and had taken upon him the government by her majesty's commission.

That my lord did wilfully and contemptuously violate her majesty's direction touching the northern prosecution.

2. The second part then of the first article was to shew, that my lord did wilfully and contemptuously, in this great point of estate, violate and infringe her majesty's direction before remembered.

In delivering of the evidence and proofs of this part, it was laid down for a foundation, that there was a full performance on her majesty's part of all the points agreed upon for this great prosecution, so as there was no impediment or cause of interruption from hence.

This is proved by a letter from my lord of Essex and the council of Ireland to the lords of the council here, dated 9th May, which was some three weeks after my lord had received the sword, by which time he might well and thoroughly inform himself whether promise were kept in all things or no, and the words of the letter are these:

The earl of Essex and the council of Ireland to the lords of the council, 9th May.

" As your lordships do very truly set forth, we do " very humbly acknowledge her majesty's chargeable " magnificence and royal preparations and transporta- " tions of men, munition, apparel, money, and victuals, " for the recovery of this distressed kingdom;" where note, the transportations acknowledged as well as the preparations.

Next, it was set down for a second ground, that there was no natural nor accidental impediment in the

state of the affairs themselves, against the prosecution upon Tyrone, but only culpable impediments raised by the journey of Munster.

This appeared by a letter from my lord and the council of Ireland to the lords of the council here, dated the 28th of April, whereby they advertise, that the prosecution of Ulster, in regard of lack of grass and forage, and the poorness of cattle at that time of year, and such like difficulties of the season, and not of the matter, will in better time, and with better commodity for the army, be fully executed about the middle of June or beginning of July; and signify, that the earl intended a present prosecution should be set on foot in Lemster: to which letters the lords make answer by theirs of the 8th of May, signifying her majesty's toleration of the delay.

The earl of Essex and the council of Ireland to the lords of the council, 28th of April.

A

DECLARATION

OF THE

PRACTICES AND TREASONS,

ATTEMPTED AND COMMITTED BY

ROBERT LATE EARL OF ESSEX

AND HIS COMPLICES,

AGAINST

HER MAJESTY AND HER KINGDOMS;

And of the Proceedings as well at the Arraignments and Convictions of the said late Earl, and his Adherents, as after: together with the very Confessions, and other Parts of the Evidences themselves, word for word, taken out of the Originals.

IMPRINTED ANNO 1601*.

THOUGH public justice passed upon capital offenders, according to the laws, and in course of an honor-

* Our author has abundantly vouched this DECLARATION, to be penned by himself in the following passage of his *Apology*:

"It is very true also, about that time, her majesty taking liking of my pen, upon that which I had formerly done concerning the proceeding at York-House, and likewise upon some other DECLARATIONS, which in former times by her appointment I put in writing, commanded me to pen that book which was published for the better satisfaction of the world which I did, but so, as never secretary had more particular and express directions and instructions in every point how to guide my hand in it: and not only so, but after I had made first draught thereof, and propounded it to certain principal counsellors by her majesty's appointment, it was perused, weighed, censured, altered, and made almost a new writing according to their lordships better consideration; wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of stile in pursuing their direction. And after

nourable and ordinary trial, where the case would have born and required the severity of martial law to have been speedily used, do in itself carry a sufficient satisfaction towards all men, specially in a merciful government, such as her majesty's is approved to be: yet because there do pass abroad in the hands of many men divers false and corrupt collections and relations of the proceedings at the arraignment of the late earls of Essex and Southampton; and, again, because it is requisite that the world do understand as well the precedent practices and inducements to the treasons, as the open and actual treasons themselves, though in a case of life it was not thought convenient to insist at the trial upon matter of inference or presumption, but chiefly upon matter of plain and direct proofs; therefore it hath been thought fit to publish to the world a brief declaration of the practices and treasons attempted and committed by Robert late earl of Essex and his complices against her majesty and her kingdoms, and of the proceedings at the convictions of the said late earl and his adherents upon the same treasons: and not so only, but therewithal, for the better warranting and verifying of the narration, to set down in the end the very confessions and testimonies themselves word for word, taken out of the originals, whereby it will be most manifest that nothing is obscured or disguised, though it do appear by divers most wicked and seditious libels thrown abroad, that the dregs of these treasons which the late earl of Essex himself, a little before his death, did term a leprosy, that had infected far and near, do yet remain in the hearts and tongues of some misaffected persons.

"it had passed their allowance, it was again exactly perused "by the queen herself, and some alterations made again "by her appointment: nay, and after it was set to print, the "queen, who, as your lordship knoweth, as she was excellent in "great matters, so she was exquisite in small; and noted that I "could not forget my ancient respect to my lord of Essex, in "terming him ever, *my lord of Essex*, *my lord of Essex*, almost in "every page of the book; which she thought not fit, but would "have it made *Essex*, or *the late earl of Essex*; whereupon, of "force, it was printed *de novo*, and the first copies suppressed by "her peremptory commandment."

The most partial will not deny, but that Robert late earl of Essex was, by her majesty's manifold benefits and graces, besides oath and allegiance, as much tied to her majesty, as the subject could be to the sovereign; her majesty having heaped upon him both dignities, offices, and gifts, in such measure, as within the circle of twelve years, or more, there was scarcely a year of rest, in which he did not obtain at her majesty's hands some notable addition either of honour or profit.

But he on the other side making these her majesty's favours nothing else but wings for his ambition, and looking upon them not as her benefits, but as his advantages, supposing that to be his own metal which was but her mark and impression, was so given over by God, who often punisheth ingratitude by ambition, and ambition by treason, and treason by final ruin, as he had long ago plotted it in his heart to become a dangerous supplanter of that seat, whereof he ought to have been a principal supporter; in such sort as now every man of common sense may discern not only his last actual and open treasons, but also his former more secret practices and preparations towards those his treasons, and that without any gloss or interpreter, but himself and his own doings.

For first of all, the world can now expound why it was that he did aspire, and had almost attained unto a greatness, like unto the ancient greatness of the *præfectus prætorio* under the emperors of Rome, to have all men of war to make their sole and particular dependence upon him; that with such jealousy and watchfulness he sought to discountenance any one that might be a competitor to him in any part of that greatness, that with great violence and bitterness he sought to suppress and keep down all the worthiest martial men, which did not appropriate their respects and acknowledgments only towards himself. All which did manifestly detect and distinguish, that it was not the reputation of a famous leader in the wars which he sought, as it was construed a great while, but only power and greatness to serve his own

ends, considering he never loved virtue nor valour in another, but where he thought he should be proprietary and commander of it, as referred to himself.

So likewise those points of popularity which every man took notice and note of, as his affable gestures, open doors, making his table and his bed so popularly places of audience to suitors, denying nothing when he did nothing, feeding many men in their discontentments against the queen and the state, and the like; as they were ever since Absalom's time the forerunners of treasons following, so in him were they either the qualities of a nature disposed to disloyalty, or the beginnings and conceptions of that which afterwards grew to shape and form.

But as it were a vain thing to think to search the roots and first motions of treasons, which are known to none but God that discerns the heart, and the devil that gives the instigation; so it is more than to be presumed, being made apparent by the evidence of all the events following, that he carried into Ireland a heart corrupted in his allegiance, and pregnant of those or the like treasons which afterwards came to light.

For being a man by nature of an high imagination, and a great promiser to himself as well as to others, he was confident that if he were once the first person in a kingdom, and a sea between the queen's seat and his, and Wales the nearest land from Ireland, and that he had got the flower of the English forces into his hands, which he thought so to intermix with his own followers, as the whole body should move by his spirit, and if he might have also absolutely into his own hands *potestatem vitæ et necis, et arbitrium belli et pacis*, over the rebels of Ireland, whereby he might entice and make them his own, first by pardons and conditions, and after by hopes to bring them in place where they should serve for hope of better booties than cows, he should be able to make that place of lieutenancy of Ireland as a rise or step to ascend to his desired greatness in England.

And although many of these conceits were windy, yet neither were they the less like to his; neither are

they now only probable conjectures or comments upon these his last treasons, but the very preludes of actions almost immediately subsequent, as shall be touched in due place.

But first, it was strange with what appetite and thirst he did affect and compass the government of Ireland, which he did obtain. For although he made some formal shews to put it from him; yet in this, as in most things else, his desires being too strong for his dissimulations, he did so far pass the bounds of decorum, as he did in effect name himself to the queen by such description and such particularities as could not be applied to any other but himself; neither did he so only, but farther, he was still at hand to offer and urge vehemently and peremptorily exceptions to any other that was named.

Then after he once found that there was no man but himself, who had other matters in his head, so far in love with that charge, as to make any competition or opposition to his pursuit, whereby he saw it would fall upon him, and especially after himself was resolved upon; he began to make propositions to her majesty by way of taxation of the former course held in managing the actions of Ireland, especially upon three points; the first, that the proportions of forces which had been there maintained and continued by supplies, were not sufficient to bring the prosecutions there to period. The second, that the ax had not been put to the root of the tree, in regard there had not been made a main prosecution upon the arch-traitor Tyrone in his own strength, within the province of Ulster. The third, that the prosecutions before time had been intermixed and interrupted with too many temporizing treaties, whereby the rebel did ever gather strength and reputation to renew the war with advantage. All which goodly and well-sounding discourses, together with the great vaunts, that he would make the earth tremble before him, tended but to this, that the queen should increase the list of her army, and all proportions of treasure and other furniture, to the end his commandment might be the

greater. For that he never intended any such prosecution, may appear by this, that even at the time before his going into Ireland, he did open himself so far in speech to Blunt, his inwardest counsellor, "That he "did assure himself that many of the rebels in Ireland "would be advised by him:" so far was he from intending any prosecution towards those in whom he took himself to have interest. But his ends were two; the one, to get great forces into his hands; the other, to oblige the heads of the rebellion unto him, and to make them of his party. These two ends had in themselves a repugnancy; for the one imported prosecution, and the other treaty: but he that meant to be too strong to be called to account for any thing, and meant besides, when he was once in Ireland, to engage himself in other journeys that should hinder the prosecution in the North, took things in order as they made for him; and so first did nothing, as was said, but trumpet a final and utter prosecution against Tyrone in the North, to the end to have his forces augmented. The confession of Blunt. 3.

But yet he forgat not his other purpose of making himself strong by a party amongst the rebels, when it came to the scanning of the clauses of his commission. For then he did insist, and that with a kind of contestation, that the pardoning, no not of Tyrone himself, the capital rebel, should be excepted and reserved to her majesty's immediate grace; being infinitely desirous that Tyrone should not look beyond him for his life or pardon, but should hold his fortune as of him, and account for it to him only.

So again, whereas in the commission of the earl of Sussex, and of all other lieutenants or deputies, there was ever in that clause, which giveth unto the lieutenant or deputy that high or regal point of authority to pardon treasons and traitors, an exception contained of such cases of treason as are committed against the person of the king; it was strange, and suspiciously strange even at that time, with what importunity and instance he did labour, and in the end prevailed to have that exception also omitted, glossing then, that because he had heard that by strict exposition of law,

(a point in law that he would needs forget at his arraignment, but could take knowledge of it before, when it was to serve his own ambition,) all treasons of rebellion did tend to the destruction of the king's person, it might breed a buz in the rebels heads, and so discourage them from coming in: whereas he knew well that in all experience passed, there was never rebel made any doubt or scruple upon that point to accept of pardon from all former governors, who had their commissions penned with that limitation, their commissions being things not kept secretly in a box, but published and recorded: so as it appeared manifestly that it was a mere device of his own out of the secret reaches of his heart then not revealed; but it may be shrewdly expounded since, what his drift was, by those pardons which he granted to Blunt the marshal, and Thomas Lee, and others, that his care was no less to secure his own instruments than the rebels of Ireland.

Yet was there another point for which he did contend and contest, which was, that he might not be tied to any opinion of the council of Ireland, as all others in certain points, as pardoning traitors, concluding war and peace, and some other principal articles, had been before him; to the end he might be absolute of himself, and be fully master of opportunities and occasions for the performing and executing of his own treasonable ends.

But after he had once, by her majesty's singular trust and favour toward him, obtained his patent of commission as large, and his list of forces as full as he desired, there was an end in his course of the prosecution in the North. For being arrived into Ireland, the whole carriage of his actions there was nothing else but a cunning defeating of that journey, with an intent, as appeared, in the end of the year, to pleasure and gratify the rebel with a dishonourable peace, and to contract with him for his own greatness.

Therefore not long after he had received the sword, he did voluntarily engage himself in an unseasonable and fruitless journey into Munster, a journey never

propounded in the council there, never advertised over hither while it was past: by which journey her majesty's forces, which were to be preserved intire both in vigour and number for the great prosecution, were harassed and tired with long marches together, and the Northern prosecution was indeed quite dashed and made impossible.

But yet still doubting he might receive from her majesty some quick and express commandment to proceed; to be sure he pursued his former device of wrapping himself in other actions, and so set himself on work anew in the county of Ophaley, being resolved, as is manifest, to dally out the season, and never to have gone that journey at all: that setting forward which he made in the very end of August being but a mere play and a mockery, and for the purposes which now shall be declared.

After he perceived that four months of the summer, and three parts of the army were wasted, he thought now was a time to set on foot such a peace as might be for the rebels advantage, and so to work a mutual obligation between Tyrone and himself; for which purpose he did but seek a commodity. He had there with him in his army one Thomas Lee, a man of a seditious and working spirit, and one that had been privately familiar and entirely beloved of Tyrone, and one that afterwards, immediately upon Essex's open rebellion, was apprehended for a desperate attempt of violence against her majesty's person; which he plainly confessed, and for which he suffered. Wherefore judging him to be a fit instrument, he made some signification to Lee of such an employment, which was no sooner signified than apprehended by Lee. He gave order also to Sir Christopher Blunt, marshal of his army, to license Lee to go to Tyrone, when he should require it. But Lee thought good to let slip first unto Tyrone, which was nevertheless by the marshal's warrant, one James Knowd, a person of wit and sufficiency, to sound in what terms and humours Tyrone then was. This Knowd returned a message from Tyrone to Lee, which was, That if the

The confession of Thomas Lee.

earl of Essex would follow Tyrone's plot, he would make the earl of Essex the greatest man that ever was in England: and farther, that if the earl would have conference with him, Tyrone would deliver his eldest son in pledge for his assurance. This message was delivered by Knowd to Lee, and by Lee was imparted to the earl of Essex, who after this message employed Lee himself to Tyrone, and by his negociating, whatsoever passed else, prepared and disposed Tyrone to the parley.

In the confession of Blunt at the bar, he did there declare that he had Essex his particular warrant to send Lee, and afterwards was desired by Essex to take it upon himself, and that they both had pardons.

And this employment of Lee was a matter of that guiltiness in my lord, as, being charged with it at my lord keeper's only in this nature, for the message of Knowd was not then known, that when he pretended to assail Tyrone, he had before underhand agreed upon a parley, my lord utterly denied it that he ever employed Lee to Tyrone at all, and turned it upon Blunt, whom he afterwards required to take it upon him, having before sufficiently provided for the security of all parts, for he had granted btoh to Blunt and Lee pardons of all treasons under the great seal of Ireland, and so, himself disclaiming it, and they being pardoned, all was safe.

But when that Tyrone was by these means, besides what others. God knows, prepared to demand a parley, now was the time for Essex to acquit himself of all the queen's commandments, and his own promises and undertakings for the Northern journey; and not so alone, but to have the glory at the disadvantage of the year, being but 2500 strong of foot, and 300 of horse, after the fresh disaster of Sir Conyers Clifford, in the height of the rebels pride, to set forth to assail, and then that the very terror and reputation of my lord of Essex person was such as did daunt him and make him stoop to seek a parley; and this was the end he shot at in that September journey, being a mere abuse and bravery, and but inducements only to the treaty, which was the only matter he intended. For Essex drawing now towards the catastrophe, or last part of that tragedy, for which he came upon the stage in Ireland, his treasons grew to a farther ripeness. For

knowing how unfit it was for him to communicate with any English, even of those whom he trusted most, and meant to use in other treasons, that he had an intention to grow to an agreement with Tyrone, to have succours from him for the usurping upon the state here (not because it was more dangerous than the rest of his treasons, but because it was more odious, and in a kind monstrous, that he should conspire with such a rebel, against whom he was sent; and therefore might adventure to alienate mens affections from him;) he drave it to this, that there might be, and so there was, under colour of treaty, an interview and private conference between Tyrone and himself only, no third person admitted. A strange course, considering with whom he dealt, and especially considering what message Knowd had brought, which should have made him rather call witnesses to him, than avoid witnesses. But he being only true to his own ends, easily dispensed with all such considerations. Nay, there was such careful order taken, that no person should overhear one word that passed between them two, as, because the place appointed and used for the parley was such, as there was the depth of a brook between them, which made them speak with some loudness, there were certain horsemen appointed by order from Essex, to keep all men off a great distance from the place.

It is true, that the secrecy of that parley, as it gave to him the more liberty of treason, so it may give any man the more liberty of surmise, what was then handled between them, inasmuch as nothing can be known, but by report from one of them two, either Essex or Tyrone.

But although there were no proceeding against Essex upon these treasons, and that it were a needless thing to load more treasons upon him then, whose burden was so great after; yet, for truth's sake, it is fit the world know what is testified touching the speeches, letters, and reports of Tyrone, immediately following this conference, and observe also what ensued likewise in the designs of Essex himself.

On Tyrone's part it fell out, that the very day after that Essex came to the court of England, Tyrone having conference with Sir William Warren at Armagh, by way of discourse told him, and bound it with an oath, and iterated it two or three several times; That within two or three months he should see the greatest alterations and strangest that ever he saw in his life, or could imagine: and that he the said Tyrone hoped ere long to have a good share in England. With this concurred fully the report of Richard Bremingham, a gentleman of the pale, having made his repair about the same time to Tyrone, to right him in a cause of land; saving that Bremingham delivers the like speech of Tyrone to himself; but not what Tyrone hoped, but what Tyrone had promised in these words, That he had promised, it may be thought to whom, ere long to shew his face in England, little to the good of England.

The relation of Sir William Warren certified under his hand, from the council of Ireland to the lords of the council here. The report of Richard Bremingham to the council of estate in Ireland.

These generalities coming immediately from the report of Tyrone himself, are drawn to more particularity in a conference had between the lord Fitz-Morrice, baron of Liksnaw in Munster, and one Thomas Wood, a person well reputed of, immediately after Essex coming into England. In which conference Fitz-Morrice declared unto Wood, that Tyrone had written to the traitorous titulary earl of Desmond to inform him, that the condition of that contract between Tyrone and Essex was, That Essex should be king of England; and that Tyrone should hold of him the honour and state of viceroy of Ireland; and that the proportion of soldiers which Tyrone should bring or send to Essex, were 8000 Irish. With which concurreth fully the testimony of the said James Knowd, who, being in credit with Owny Mac Roory, chief of the Omoores in Lemster, was used as a secretary for him, in the writing of a letter to Tyrone, immediately after Essex coming into England. The effect of which letter was, To understand some light of the secret agreement between the earl of Essex and Tyrone, that he the said Owny might frame his course accordingly. Which letter, with farther instructions to the same effect, was in the presence of Knowd,

The confession of James Knowd.

delivered to Turlagh Macdauy, a man of trust with Owny, who brought an answer from Tyrone: the contents whereof were, That the earl of Essex had agreed to take his part, and that they should aid him towards the conquest of England.

Besides, very certain it is, and testified by divers credible persons, that immediately upon this parley, there did fly abroad, as sparkles of this fire, which it did not concern Tyrone so much to keep secret, as it did Essex, a general and received opinion, that went up and down in the mouths both of the better and meaner sort of rebels; That the earl of Essex was theirs, and they his; and that he would never leave the one sword, meaning that of Ireland, till he had gotten the other in England; and that he would bring them to serve, where they should have other manner of booties than cows; and the like speeches. And Thomas Lee himself, who had been, as was before declared, with Tyrone two or three days, upon my lord's sending, and had sounded him, hath left it confessed under his hand; That he knew the earl of Essex and Tyrone to be one, and to run the same courses.

The declarations of Daniel Hetherington, James Knowd, and others.

Confession of Thomas Lee.

And certain it is also, that immediately upon that parley, Tyrone grew into a strange and unwonted pride, and appointed his progresses and visitations to receive congratulations and homages from his confederates, and behaved himself in all things as one that had some new spirit of hope and courage put into him.

But on the earl of Essex his part insued immediately after this parley a strange motion and project, which though no doubt he had harboured in his breast before; yet, for any thing yet appeareth, he did not utter and break with any in it, before he had been confirmed and fortified in his purpose, by the combination and correspondence which he found in Tyrone upon their conference. Neither is this a matter gathered out of reports, but confessed directly by two of his principal friends and associates, being witnesses upon their own knowledge, and of that which was spoken to themselves: the substance of which confession is this; That a little before my lord's coming

The earl of Southampton and Sir Christopher Blunt. The substance of that

which is confessed by Southampton and Blunt, touching Essex' purpose to have transported into England the army of Ireland, and the changing of that design into the other design of surprising the queen and the court.

over into England, at the castle of Dublin, where Sir Christopher Blunt lay hurt, having been lately removed thither from Rheban, a castle of Thomas Lee's, and placed in a lodging that had been my lord of Southampton's; the earl of Essex took the earl of Southampton with him to visit Blunt, and there being none present but they three, my lord of Essex told them, he found it now necessary for him to go into England, and would advise with them of the manner of his going, since to go he was resolved. And thereupon propounded unto them, that he thought it fit to carry with him of the army in Ireland as much as he could conveniently transport, at least the choice of it, to the number of two or three thousand, to secure and make good his first descent on shore, purposing to land them at Milford-Haven in Wales, or thereabouts: not doubting, but that his army would so increase within a small time, by such as would come in to him, as he should be able to march with his power to London, and make his own conditions as he thought good. But both Southampton and Blunt dissuaded him from this enterprise; Blunt alledging the hazard of it, and that it would make him odious: and Southampton utterly disliking of that course, upon the same and many other reasons. Howbeit, thereupon Blunt advised him rather to another course, which was to draw forth of the army some 200 resolute gentlemen, and with those to come over, and so to make sure of the court, and so to make his own conditions. Which confessions it is not amiss to deliver, by what a good providence of God they came to light: for they could not be used at Essex' arraignment to charge him, because they were uttered after his death.

The speech of Sir Christopher Blunt at his arraignment, and the occasion of the falling into the aforesaid confessions.

But Sir Christopher Blunt at his arraignment, being charged that the earl of Essex had set it down under his hand, that he had been a principal instigator of him to his treasons, in passion brake forth into these speeches: That then he must be forced to disclose what farther matters he had held my lord from, and desired for that purpose, because the present proceeding should not be interrupted, to speak with the lord Admiral and Mr. Secretary after his arraignment, and

so fell most naturally and most voluntarily into this his confession, which, if it had been thought fit to have required of him at that time publicly, he had delivered before his conviction. And the same confession he did after, at the time of his execution, constantly and fully confirm, discourse particularly, and take upon his death, where never any man shewed less fear, nor a greater resolution to die.

And the same matter so by him confessed, was likewise confessed with the same circumstances of time and place by Southampton, being severally examined thereupon.

So as now the world may see how long since my lord put off his vizard, and disclosed the secrets of his heart to two of his most confident friends, falling upon that unnatural and detestable treason, whereunto all his former actions in his government in Ireland, and God knows how long before, were but introductions.

The place of general of the horse in the army of Ireland was conferred by Essex upon Southampton, contrary to her majesty's express commandment.

But finding that these two persons, which of all the rest he thought to have found forwardest, Southampton, whose displacing he had made his own discontentment, having placed him, no question to that end, to find cause of discontentment, and Blunt, a man so enterprising and prodigal of his own life, as himself termed himself at the bar, did not applaud to this his purpose, and thereby doubting how coldly he should find others minded, that were not so near to him; and therefore condescending to Blunt's advice to surprise the court, he did pursue that plot accordingly, and came over with a selected company of captains and voluntaries, and such as he thought were most affectionate unto himself, and most resolute, though not knowing of his purpose. So as even at that time every man noted and wondered what the matter should be, that my lord took his most particular friends and followers, from their companies, which were countenance and means unto them, to bring them over. But his purpose, as in part was touched before, was this; that if he held his greatness in court, and were not committed, which, in regard of the miserable and deplored estate he left Ireland in, whereby he thought

the opinion here would be that his service could not be spared, he made full account he should not be, then, at the first opportunity, he would execute the surprise of her majesty's person. And if he were committed to the Tower, or to prison, for his contempts, for, besides his other contempts, he came over expressly against the queen's prohibition under her signet, it might be the care of some of his principal friends, by the help of that choice and resolute company which he brought over, to rescue him.

But the pretext of his coming over was, by the efficacy of his own presence and persuasion to have moved and drawn her majesty to accept of such conditions of peace as he had treated of with Tyrone in his private conference; which was indeed somewhat needful, the principal article of them being, That there should be a general restitution of rebels in Ireland to all their lands and possessions, that they could pretend any right to before their going out into rebellion, without reservation of such lands as were by act of parliament passed to the crown, and so planted with English, both in the time of queen Mary, and since; and without difference either of time of their going forth, or nature of their offence, or other circumstance: tending in effect to this, that all the queen's good subjects, in most of the provinces, should have been displanted, and the country abandoned to the rebels.

When this man was come over, his heart thus fraughted with treasons, and presented himself to her majesty; it pleased God, in his singular providence over her majesty, to guide and hem in her proceeding towards him in a narrow way of safety between two perils. For neither did her majesty leave him at liberty, whereby he might have commodity to execute his purpose; nor restrain him in any such nature, as might signify or betoken matter of despair of his return to court and favour. And so the means of present mischief being taken away, and the humours not stirred, this matter fell asleep, and the thread of his purposes was cut off. For coming over about the end of September, and not denied access and confe-

rence with her majesty, and then being commanded to his chamber at court for some days, and from thence to the lord-keeper's house, it was conceived that these were no ill signs. At my lord-keeper's house he remained till some few days before Easter, and then was removed to his own house, under the custody of Sir Richard Barkley, and in that sort continued till the end of Trinity term following.

For her majesty, all this while looking into his faults with the eye of her princely favour, and loth to take advantage of his great offences, in other nature than as contempts, resolved so to proceed against him, as might, to use her majesty's own words, tend *ad correctionem, et non ad ruinam.*

Nevertheless afterwards, about the end of Trinity term following, for the better satisfaction of the world, and to repress seditious bruits and libels which were dispersed in his justification, and to observe a form of justice before he should be set at full liberty; her majesty was pleased to direct, that there should be associate unto her privy council some chosen persons of her nobility, and of her judges of the law, and before them his cause, concerning the breaking of his instructions for the Northern prosecution, and the manner of his treating with Tyrone, and his coming over, and leaving the kingdom of Ireland contrary to her majesty's commandment, expressed as well by signification thereof, made under her royal hand and signet, as by a most binding and effectual letter written privately to himself, to receive a hearing; with limitation, nevertheless, that he should not be charged with any point of disloyalty; and with like favour directed, that he should not be called in question in the open and ordinary place of offenders, in the Star-chamber, from which he had likewise, by a most penitent and humble letter, desired to be spared, as that which would have wounded him for ever, as he affirmed, but in a more private manner, at my lord-keeper's house. Neither was the effect of the sentence, that there passed against him, any more than a suspension of the exercise of some of his places: at which time also,

Essex, that could vary himself into all shapes for a time, infinitely desirous, as by the sequel now appeareth, to be at liberty to practise and revive his former purposes, and hoping to set into them with better strength than ever, because he conceived the people's hearts were kindled to him by his troubles, and that they had made great demonstrations of as much; he did transform himself into such a strange and dejected humility, as if he had been no man of this world, with passionate protestations that he called God to witness, That he had made an utter divorce with the world; and he desired her majesty's favour not for any worldly respect, but for a preparative for a *Nunc dimittis;* and that the tears of his heart had quenched in him all humours of ambition. All this to make her majesty secure, and to lull the world asleep, that he was not a man to be held any ways dangerous.

Not many days after, Sir Richard Barkley, his keeper, was removed from him, and he set at liberty with this admonition only, That he should not take himself to be altogether discharged, though he were left to the guard of none but his own discretion. But he felt himself no sooner upon the wings of his liberty, but, notwithstanding his former shews of a mortified estate of mind, he began to practise afresh as busily as ever, reviving his former resolution; which was the surprising and possessing the queen's person and the court. And that it may appear how early after his liberty he set his engines on work, having long before entertained into his service, and during his government in Ireland drawn near unto him in the place of his chief secretary, one Henry Cuffe, a base fellow by birth, but a great scholar, and indeed a notable traitor by the book, being otherwise of a turbulent and mutinous spirit against all superiors.

This fellow, in the beginning of August, which was not a month after Essex had liberty granted, fell of practising with Sir Henry Nevil, that served her majesty as leiger ambassador with the French king, and then newly come over into England from Bulloign,

abusing him with a false lie and mere invention, that his service was blamed and misliked, and that the imputation of the breach of the treaty of peace held at Bulloign was like to light upon him, when there was no colour of any such matter, only to distaste him of others, and fasten him to my lord, though he did not acquaint him with any particulars of my lord's designs till a good while after. The declaration of Sir Henry Nevil.

But my lord having spent the end of the summer, being a private time, when every body was out of town and dispersed, in digesting his own thoughts, with the help and conference of Mr. Cuffe, they had soon set down between them the ancient principle of traitors and conspirators, which was, to prepare many, and to acquaint few; and, after the manner of miners, to make ready their powder, and place it, and then give fire but in the instant. Therefore, the first consideration was of such persons as my lord thought fit to draw to be of his party; singling out both of nobility and martial men, and others, such as were discontented or turbulent, and such as were weak of judgment, and easy to be abused, or such as were wholly dependents and followers, for means or countenance, of himself, Southampton, or some other of his greatest associates.

And knowing there were no such strong and drawing cords of popularity as religion, he had not neglected, both at this time and long before, in a profane policy to serve his turn, for his own greatness, of both sorts and factions, both of Catholics and puritans, as they term them, turning his outside to the one, and his inside to the other; and making himself pleasing and gracious to the one sort by professing zeal, and frequenting sermons, and making much of preachers, and secretly underhand giving assurance to Blunt, Davis, and divers others, that, if he might prevail in his desired greatness, he would bring in a toleration of the catholic religion. The confession of Blunt and Davis.

Then having passed the whole Michaelmas term in making himself plausible, and in drawing concourse about him, and in affecting and alluring men by kind

provocations and usage, wherein, because his liberty was qualified, he neither forgot exercise of mind nor body, neither sermon nor tennis-court, to give the occasion and freedom of access and concourse unto him, and much other practice and device; about the end of that term, towards Christmas, he grew to a more framed resolution of the time and manner, when and how he would put his purpose in execution. And first, about the end of Michaelmas term, it passed as a kind of cypher and watch-word amongst his friends and followers, That my lord would stand upon his guard: which might receive construction, in a good sense, as well guard of circumspection, as guard of force: but to the more private and trusty persons he was content it should be expounded that he would be cooped up no more, nor hazard any more restraints or commandments.

The declaration of Sir H. Nevil, and confession of Sir Ferdinando Gorge.

But the next care was how to bring such persons, as he thought fit for his purpose, into town together, without vent of suspicion, to be ready at the time, when he should put his design in execution; which he had concluded should be some time in Hilary term; wherein he found many devices to draw them up, some for suits in law, and some for suits in court, and some for assurance of land: and one friend to draw up another, it not being perceived that all moved from one head. And it may be truly noted, that in the catalogue of those persons that were the eighth of February in the action of open rebellion, a man may find almost out of every country of England some; which could not be by chance or constellation: and in the particularity of examinations, too long to be rehearsed, it was easy to trace in what sort many of them were brought up to town, and held in town upon several pretences. But in Candlemas term, when the time drew near, then was he content consultation should be had by certain choice persons, upon the whole matter and course which he should hold. And because he thought himself and his own house more observed, it was thought fit that the meeting and conference should be at Drury-house, where Sir Charles

The confession of Blunt.

Davers lodged. There met at this council, the earl of Southampton, with whom in former times he had been at some emulations and differences in court: but after, Southampton having married his kinswoman, and plunged himself wholly into his fortune, and being his continual associate in Ireland, he accounted of him as most assured unto him, and had long ago in Ireland acquainted him with his purpose, as was declared before: Sir Charles Davers, one exceedingly devoted to the earl of Southampton, upon affection begun first upon the deserving of the same earl towards him, when he was in trouble about the murder of one Long: Sir Ferdinando Gorge, one that the earl of Essex had of purpose sent for up from his government at Plymouth by his letter, with particular assignation to be here before the second of February: Sir John Davis, one that had been his servant, and raised by him, and that bare office in the Tower, being surveyor of the ordnance, and one that he greatly trusted: and John Littleton, one they respected for his wit and valour.

The consultation and conference rested upon three parts: the perusal of a list of those persons, whom they took to be of their party; the consideration of the action itself which they should set a-foot, and how they should proceed in it; and the distribution of the persons, according to the action concluded on, to their several employments.

The confession of Sir Ch. Davers, 1. 2. Sir J. Davis, 2. Sir Ferdin. Gorge, 2. Sir Christopher Blunt, 2. Southampton at the bar.

The list contained the number of sixscore persons, noblemen, and knights, and principal gentlemen, and was, for the more credit's sake, of the earl of Essex own hand-writing.

For the action itself, there was proposition made of two principal articles: the one of possessing the Tower of London; the other of surprising her majesty's person and the court; in which also deliberation was had, what course to hold with the city, either towards the effecting of the surprise, or after it was effected.

For the Tower, was alledged the giving a reputation to the action, by getting into their hand the principal fort of the realm, with the stores and provisions

thereunto appertaining, the bridling of the city by that piece, and commodity of entrance in and possessing it, by the means of Sir John Davis. But this was by opinion of all rejected, as that which would distract their attempt from the more principal, which was the court, and as that which they made a judgment would follow incidently, if the court were once possessed.

But the latter, which was the ancient plot, as was well known to Southampton, was in the end, by the general opinion of them all, insisted and rested upon.

And the manner how it should be ordered and disposed was this: That certain selected persons of their number, such as were well known in court, and might have access, without check or suspicion, into the several rooms in court, according to the several qualities of the persons, and the differences of the rooms, should distribute themselves into the presence, the guard-chamber, the hall, and the utter court and gate, and some one principal man undertaking every several room with the strength of some few to be joined with him, every man to make good his charge according to the occasion. In which distribution, Sir Charles Davers was then named to the presence, and to the great chamber, where he was appointed, when time should be, to seize upon the halberds of the guard; Sir John Davis to the hall; and Sir Christopher Blunt to the utter gate; these seeming to them the three principal wards of consideration: and that things being within the court in a readiness, a signal should be given and sent to Essex, to set forward from Essex-house, being no great distance off. Whereupon Essex, accompanied with the noblemen of his party, and such as should be prepared and assembled at his house for that purpose, should march towards the court; and that the former conspirators already entered should give correspondence to them without, as well by making themselves masters of the gates to give them entrance, as by attempting to get into their hand upon the sudden the halberds of the guard, thereby hoping to prevent any great resistance within, and by filling all full of tumult and confusion.

This being the platform of their enterprise, the second act of this tragedy was also resolved, which was, that my lord should present himself to her majesty, as prostrating himself at her feet, and desire the remove of such persons as he called his enemies from about her. And after that my lord had obtained possession of the queen, and the state, he should call his pretended enemies to a trial upon their lives, and summon a parliament, and alter the government, and obtain to himself and his associates such conditions as seemed to him and them good.

There passed a speech also in this conspiracy of possessing the city of London, which Essex himself, in his own particular and secret inclination, had ever a special mind unto: not as a departure or going from his purpose of possessing the court, but as an inducement and preparative to perform it upon a surer ground; an opinion bred in him, as may be imagined, partly by the great overweaning he had of the love of the citizens; but chiefly, in all likelihood, by a fear, that although he should have prevailed in getting her majesty's person into his hands for a time, with his two or three hundred gentlemen, yet the very beams and graces of her majesty's magnanimity and prudent carriage in such disaster, working with the natural instinct of loyalty, which of course, when fury is over, doth ever revive in the hearts of subjects of any good blood or mind, such as his troop for the more part was compounded of, though by him seduced and bewitched, would quickly break the knot, and cause some disunion and separation amongst them, whereby he might have been left destitute, except he should build upon some more popular number, according to the nature of all usurping rebels, which do ever trust more in the common people, than in persons of sort or quality. And this may well appear by his own plot in Ireland, which was to have come with the choice of the army, from which he was diverted, as before is shewed. So as his own courses inclined ever to rest upon the main strength of the multitude, and not upon surprises, or the combinations of a few.

But to return: these were the resolutions taken at

that consultation, held by these five at Drury-house, some five or six days before the rebellion, to be reported to Essex, who ever kept in himself the binding and directing voice: which he did to prevent all differences that might grow by dissent or contradiction. And besides he had other persons, which were Cuffe and Blunt, of more inwardness and confidence with him than these, Southampton only excepted, which managed that consultation. And, for the day of the enterprise, which is that must rise out of the knowledge of all the opportunities and difficulties, it was referred to Essex his own choice and appointment; it being nevertheless resolved, that it should be some time before the end of Candlemas term.

Sir Henry Nevil's declaration.

But this council and the resolutions thereof, were in some points refined by Essex, and Cuffe, and Blunt: for, first it was thought good, for the better making sure of the utter gate of the court, and the greater celerity and suddenness, to have a troop at receipt to a competent number, to have come from the Mews, where they should have been assembled without suspicion in several companies, and from thence cast themselves in a moment upon the court-gate, and join with them which are within, while Essex with the main of his company were making forward.

It was also thought fit, that because they would be commonwealth's men, and foresee, that the business and service of the public state should not stand still; they should have ready at court, and at hand, certain other persons to be offered, to supply the offices and places of such her majesty's counsellors and servants, as they should demand to be removed and displaced.

But chiefly it was thought good, that the assembling of their companies together should be upon some plausible pretext: both to make divers of their company, that understood not the depth of the practices, the more willing to follow them; and to engage themselves, and to gather them together the better without peril of detecting or interrupting: and again, to take the court the more unprovided, without any alarm given. So as now there wanted nothing but the as-

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signation of the day: which nevertheless was resolved indefinitely to be before the end of the term, as was said before, for the putting in execution of this most dangerous and execrable treason. But God, who had in his divine providence long ago cursed this action with the curse that the psalm speaketh of, *That it should be like the untimely fruit of a woman, brought forth before it came to perfection*, so disposed above, that her majesty, understanding by a general charm and muttering of the great and universal resort to Essex-house, contrary to her princely admonition, and somewhat differing from his former manner, as there could not be so great fire without some smoke, upon the seventh of February, the afternoon before this rebellion, sent to Essex-house Mr. Secretary Herbert, to require him to come before the lords of her majesty's council, then sitting in council at Salisbury-court, being the lord treasurer's house: where it was only intended, that he should have received some reprehension, for exceeding the limitations of his liberty, granted to him in a qualified manner, without any intention towards him of restraint; which he, under colour of not being well, excused to do: but his own guilty conscience applying it, that his trains were discovered, doubting peril in any farther delay, determined to hasten his enterprise, and to set it on foot the next day.

But then again, having some advertisement in the evening, that the guards were doubled at court, and laying that to the message he had received over-night; and so concluding that alarm was taken at court, he thought it to be in vain to think of the enterprise of the court, by way of surprise: but that now his only way was, to come thither in strength, and to that end first to attempt the city: wherein he did but fall back to his own former opinion, which he had in no sort neglected, but had formerly made some overtures to prepare the city to take his part; relying himself, besides his general conceit, that himself was the darling and minion of the people, and specially of the city, more particularly upon assurance given of Thomas Smith, then sheriff of London, a man well beloved amongst

the citizens, and one that had some particular command of some of the trained forces of the city, to join with him. Having therefore concluded upon this determination, now was the time to execute in fact all that he had before in purpose digested.

First, therefore, he concluded of a pretext which was ever part of the plot, and which he had meditated upon and studied long before. For finding himself, thanks be to God, to seek, in her majesty's government, of any just pretext in matter of state, either of innovation, oppression, or any unworthiness: as in all his former discontentments he had gone the beaten path of traitors, turning their imputation upon counsellors, and persons of credit with their sovereign; so now he was forced to descend to the pretext of a private quarrel, giving out this speech, how that evening, when he should have been called before the lords of the council, there was an ambuscade of musketeers placed upon the water, by the device of my lord Cobham and Sir Walter Raleigh, to have murdered him by the way as he passed: a matter of no probability; those persons having no such desperate estates or minds, as to ruin themselves and their posterity, by committing so odious a crime.

Confession of Sir Ferdinando Gorge.

But contrariwise, certain it is, Sir Ferdinando Gorge accused Blunt, to have persuaded him to kill, or at least apprehend Sir Walter Raleigh; the latter whereof Blunt denieth not, and asked Sir Walter Raleigh forgiveness at the time of his death.

But this pretext, being the best he had, was taken: and then did messages and warnings fly thick up and down to every particular nobleman and gentleman, both that evening and the next morning, to draw them together in the forenoon to Essex-house, dispersing the foresaid fable, That he should have been murdered; save that it was sometime on the water, sometime in his bed, varying according to the nature of a lie. He sent likewise the same night certain of his instruments, as namely, one William Temple, his secretary, into the city to disperse the same tale, having increased it some few days before by an addition, That he should have

been likewise murdered by some Jesuits to the number of four: and to fortify this pretext, and to make the more buz of the danger he stood in, he caused that night a watch to be kept all night long, towards the street, in his house. The next morning, which was Sunday, they came unto him of all hands, according to his messages and warnings: of the nobility, the earls of Rutland, Southampton, and the lord Sands, and Sir Henry Parker, commonly called the lord Mountegle; besides divers knights and principal gentlemen and their followers, to the number of some three hundred. And also it being Sunday, and the hour when he had used to have a sermon at his house, it gave cause to some and colour to others to come upon that occasion. As they came, my lord saluted and embraced, and to the generality of them gave to understand, in as plausible terms as he could, That his life had been sought, and that he meant to go to the court and declare his griefs to the queen, because his enemies were mighty, and used her majesty's name and commandment; and desired their help to take his part; but unto the more special persons, he spake high, and in other terms, telling them, That he was sure of the city, and would put himself into that strength, that her majesty should not be able to stand against him, and that he would take revenge of his enemies.

The confession of the earl of Rutland.

All the while after eight of the clock in the morning, the gates to the street and water were strongly guarded, and men taken in and let forth by discretion of those that held the charge, but with special caution of receiving in such as came from court, but not suffering them to go back without my lord's special direction, to the end no particularity of that which passed there might be known to her majesty.

About ten of the clock, her majesty having understanding of this strange and tumultuous assembly at Essex-house, yet in her princely wisdom and moderation thought to cast water upon this fire before it brake forth to farther inconvenience: and therefore using authority before she would use force, sent unto him four persons of great honour and place, and such as he

ever pretended to reverence and love, to offer him justice for any griefs of his, but yet to lay her royal commandment upon him to disperse his company, and upon them to withdraw themselves.

The declaration of the lord Keeper, the earl of Worcester, the lord Chief Justice, under their hands.

These four honourable persons, being the lord Keeper of the great seal of England, the earl of Worcester, the Comptroller of her majesty's houshold, and the lord Chief Justice of England, came to the house, and found the gates shut upon them. But after a little stay, they were let in at the wicket; and as soon as they were within, the wicket was shut, and all their servants kept out, except the bearer of the seal. In the court they found the earls with the rest of the company, the court in a manner full, and upon their coming towards Essex, they all flocked and thronged about them; whereupon the lord Keeper in an audible voice delivered to the earl the queen's message, That they were sent by her majesty to understand the cause of this their assembly, and to let them know that if they had any particular cause of griefs against any persons whatsoever, they should have hearing and justice.

The oath of the lord Chief Justice, *viva voce.* The declaration of the earl of Worcester, *viva voce.*

Whereupon the earl of Essex in a very loud and furious voice declared, That his life was sought, and that he should have been murdered in his bed, and that he had been perfidiously dealt withal; and other speeches to the like effect. To which the lord Chief Justice said, If any such matter were attempted or intended against him, it was fit for him to declare it, assuring him both a faithful relation on their part, and that they could not fail of a princely indifferency and justice on her majesty's part.

To which the earl of Southampton took occasion to object the assault made upon him by the lord Gray: which my lord Chief Justice returned upon him, and said, That in that case justice had been done, and the party was in prison for it.

Then the lord Keeper required the earl of Essex, that if he would not declare his griefs openly, yet that then he would impart them privately; and then they doubted not to give him or procure him satisfaction.

Upon this there arose a great clamour among the multitude: "Away, my lord, they abuse you, they "betray you, they undo you, you lose time." Whereupon my lord Keeper put on his hat, and said with a louder voice than before, "My lord, let us speak "with you privately, and understand your griefs; and "I do command you all upon your allegiance, to lay "down your weapons and to depart." Upon which words the earl of Essex and all the rest, as disdaining commandment, put on their hats; and Essex somewhat abruptly went from him into the house, and the counsellors followed him, thinking he would have private conference with them as was required.

And as they passed through the several rooms, they might hear many of the disordered company cry, "Kill them, kill them;" and others crying, "Nay, "but shop them up, keep them as pledges, cast the "great seal out at the window;" and other such audacious and traitorous speeches. But Essex took hold of the occasion and advantage, to keep in deed such pledges if he were distressed, and to have the countenance to lead them with him to the court, especially the two great magistrates of justice, and the great seal of England, if he prevailed, and to deprive her majesty of the use of their counsel in such a strait, and to engage his followers in the very beginning by such a capital act, as the imprisonment of counsellors carrying her majesty's royal commandment for the suppressing of a rebellious force.

And after that they were come up into his book-chamber, he gave order they should be kept fast, giving the charge of their custody principally to Sir John Davis, but adjoined unto him a warder, one Owen Salisbury, one of the most seditious and wicked persons of the number, having been a notorious robber, and one that served the enemy under Sir William Stanley, and that bare a special spleen unto my lord Chief Justice; who guarded these honourable persons with muskets charged, and matches ready fired at the chamber door.

This done, the earl, notwithstanding my lord Keeper

still required to speak with him, left the charge of his house with Sir Gilly Merick; and, using these words to my lord Keeper, "Have patience for a while, I will go "take order with the mayor and sheriffs for the city, "and be with you again within half an hour;" issued with his troop into London, to the number of two hundred, besides those that remained in the house, choice men for hardiness and valour, unto whom some gentlemen and one nobleman did after join themselves.

But from the time he went forth, it seems God did strike him with the spirit of amazement, and brought him round again to the place whence he first moved.

For after he had once by Ludgate entered into the city, he never had so much as the heart or assurance to speak any set or confident speech to the people, (but repeated only over and over his tale as he passed by, that he should have been murdered,) nor to do any act of foresight or courage; but he that had vowed he would never be cooped up more, cooped himself first within the walls of the city, and after within the walls of an house, as arrested by God's justice as an example of disloyalty. For passing through Cheapside, and so towards Smith's house, and finding though some came about him, yet none joined or armed with him, he provoked them by speeches as he passed to arm, telling them, They did him hurt and no good, to come about him with no weapons.

The confession of the earl of Rutland. The lord Sandys.

But there was not in so populous a city, where he thought himself held so dear, one man, from the chiefest citizen to the meanest artificer or prentice, that armed with him: so as being extremely appalled, as divers that happened to see him then might visibly perceive in his face and countenance, and almost moulten with sweat, though without any cause of bodily labour but only by the perplexity and horror of his mind, he came to Smith's house the sheriff, where he refreshed himself a little and shifted him.

But the mean while it pleased God, that her majesty's directions at court, though in a case so strange and sudden, were judicial and sound. For first there was commandment in the morning given unto the city,

that every man should be in a readiness both in person and armour, but yet to keep within his own door, and to expect commandment; upon a reasonable and politic consideration, that had they armed suddenly in the streets, if there were any ill disposed persons, they might arm on the one side and turn on the other, or at least, if armed men had been seen to and fro, it would have bred a greater tumult, and more bloodshed; and the nakedness of Essex's troop would not have so well appeared.

And soon after, direction was given that the lord Burghley, taking with him the king of heralds, should declare him traitor in the principal parts of the city; which was performed with good expedition and resolution, and the loss and hurt of some of his company. Besides that, the earl of Cumberland, and Sir Thomas Gerard, knight-marshal, rode into the city, and declared and notified to the people that he was a traitor: from which time divers of his troop withdrawing from him, and none other coming in to him, there was nothing but despair. For having staid a while, as is said, at sheriff Smith's house, and there changing his pretext of a private quarrel, and publishing, that the realm should have been sold to the Infanta, the better to spur on the people to rise, and called, and given commandment to have arms brought and weapons of all sorts, and being soon after advertised of the proclamation, he came forth in a hurry.

The confession of the earl of Rutland.

Essex's confession at the bar.

So having made some stay in Gracechurch-street, and being dismayed upon knowledge given to him that forces were coming forwards against him under the conduct of the lord Admiral, the lieutenant of her majesty's forces; and not knowing what course to take, he determined in the end to go back towards his own house, as well in hope to have found the counsellors there, and by them to have served some turn, as upon trust that towards night his friends in the city would gather their spirits together, and rescue him, as himself declared after to the lieutenant of the Tower.

But for the counsellors, it had pleased God to make one of the principal offenders his instrument for their

delivery; who seeing my lord's case desperate, and contriving how to redeem his fault and save himself, came to Sir John Davis, and Sir Gilly Merick, as sent from my lord; and so procured them to be released.

But the earl of Essex, with his company that was left, thinking to recover his house, made on by land towards Ludgate; where being resisted by a company of pikemen and other forces, gathered together by the wise and diligent care of the bishop of London, and commanded by Sir John Luson, and yet attempting to clear the passage, he was with no great difficulty repulsed. At which encounter Sir Christopher Blunt was sore wounded, and young Tracy slain on his part; and one Waits on the queen's part, and some others. Upon which repulse he went back and fled towards the water-side, and took boat at Queenhithe, and so was received into Essex-house at the water-gate, which he fortified and barricado'd; but instantly the lord-lieutenant so disposed his companies, as all passage and issue forth was cut off from him both by land and by water, and all succours that he might hope for were discouraged: and leaving the earl of Cumberland, the earl of Lincoln, the lord Thomas Howard, the lord Gray, the lord Burghley, and the lord Compton, Sir Walter Raleigh, Sir Thomas Gerard, with divers others, before the house to landward, my lord-lieutenant himself thought good, taking with him the lord of Effingham, lord Cobham, Sir John Stanhope, Sir Robert Sidney, M. Foulk Grevill, with divers others, to assail the garden and banqueting-house on the water-side, and presently forced the garden, and won to the walls of the house, and was ready to have assailed the house; but out of a Christian and honourable consideration, understanding that there were in the house the countess of Essex, and the lady Rich, with their gentlewomen, let the earl of Essex know by Sir Robert Sidney, that he was content to suffer the ladies and gentlewomen to come forth. Whereupon Essex returning the lord-lieutenant thanks for the compassion and care he had of the ladies, desired only to have an hour's respite to make way for their going out, and an hour after to

barricado the place again: which because it could make no alteration to the hindrance of the service, the lord-lieutenant thought good to grant. But Essex, having had some talk within of a sally, and despairing of the success, and thinking better to yield himself, sent word, that upon some conditions he would yield.

But the lord-lieutenant utterly refusing to hear of capitulation, Essex desired to speak with my lord, who thereupon went up close to the house; and the late earls of Essex and Southampton, with divers other lords and gentlemen their partakers, presented themselves upon the leads; and Essex said, he would not capitulate, but intreat; and made three petitions. The first, that they might be civilly used: whereof the lord-lieutenant assured them. The second, that they might have an honourable trial: whereof, the lord-lieutenant answered, they needed not to doubt. The third, that he might have Ashton a preacher with him in prison for the comfort of his soul; which the lord-lieutenant said he would move to her majesty, not doubting of the matter of his request, though he could not absolutely promise him that person. Whereupon they all, with the ceremony amongst martial men accustomed, came down and submitted themselves, and yielded up their swords, which was about ten of the clock at night; there having been slain in holding of the house by musket-shot Owen Salisbury, and some few more on the part of my lord, and some few likewise slain and hurt on the queen's part: and presently, as well the lords as the rest of their confederates of quality, were severally taken into the charge of divers particular lords and gentlemen, and by them conveyed to the Tower and other prisons.

So as this action, so dangerous in respect of the person of the leader, the manner of the combination, and the intent of the plot, brake forth and ended within the compass of twelve hours, and with the loss of little blood, and in such sort as the next day all courts of justice were open, and did sit in their accustomed manner, giving good subjects and all reasonable men just cause to think, not the less of the

offender's treason, but the more of her majesty's princely magnanimity and prudent foresight in so great a peril, and chiefly of God's goodness, that hath blessed her majesty in this, as in many things else, with so rare and divine felicity.

The effect of the evidence given at the several arraignments of the late earls of Essex and Southampton, before the lord Steward; and of Sir Christopher Blunt, and Sir Charles Davers, and others, before great and honourable Commissioners of Oyer and Terminer: and of the answers and defences which the said offenders made for themselves; and the replies made upon such their defences: with some other circumstances of the proceedings, as well at the same arraignments as after.

Some question was made by the earl of Essex, whether he might challenge any of the peers? But answer was made by the judges, that the law had that reputation of the peers, that it trusted them both without oath and challenge.

The two late earls of Essex and Southampton were brought to their trial the nineteenth of February, eleven days after the rebellion. At which trial there passed upon them twenty-five peers, a greater number than hath been called in any former precedent. Amongst whom her majesty did not forbear to use many that were of near alliance and blood to the earl of Essex, and some others, that had their sons and heirs apparent that were of his company, and followed him in the open action of rebellion. The lord Steward then in commission, according to the solemnity in such trials received, was the lord Buckhurst, lord high treasurer, who with gravity and temperance directed the evidence, and moderated, and gave the judgment. There was also an assistance of eight judges, the three chief, and five others. The hearing was with great patience and liberty: the ordinary course not being held, to silence the prisoners till the whole state of the evidence was given in; but they being suffered to answer articulately to every branch of the evidence,

and sometimes to every particular deposition, whensoever they offered to speak: and not so only, but they were often spared to be interrupted, even in their digressions and speeches not much pertinent to their cause. And always when any doubt in law was moved, or when it was required either by the prisoners or the peers, the lord Steward required the judges to deliver the law; who gave their opinions severally, not barely yea or no, but at large with their reasons.

In the indictment were not laid or charged the treasons of Ireland, because the greatest matter, which was the design to bring over the army of Ireland, being then not confessed nor known; it was not thought convenient to stuff the indictment with matters which might have been conceived to be chiefly gathered by curious inquisition, and grounded upon report or presumption, when there was other matter so notorious. And besides, it was not unlikely, that in his case, to whom many were so partial, some, who would not consider how things came to light by degrees, might have reported that he was twice called in question about one offence. And therefore the late treasons of his rebellion and conspiracy were only comprehended in the indictment, with the usual clauses and consequents in law, of compassing the queen's death, destruction, and deprivation, and levying war, and the like.

The evidence consisted of two parts: the plot of surprising her majesty's person in court, and the open rebellion in the city.

THE plot was opened according to the former narration, and proved by the several confessions of four witnesses, fully and directly concurring in the point; sir Christopher Blunt, sir Charles Davers, sir John Davis, and sir Ferdinando Gorge. Of which number, though sir Christopher Blunt were not at the council held at Drury-house, no more than Essex himself was; yet he was privy to that which passed. Sir Ferdinando Gorge being prisoner in the Gate-

house, near the place of trial, was, at the request of the earl of Essex, brought thither, and avouched *viva voce* his confession in all things.

And these four proved all particularities of surprising the court, and the manner of putting the same in execution, and the distributing and naming of the principal persons and actors to their several charges; and the calling of my lord's pretended enemies to trial for their lives, and the summoning of a parliament, and the altering of the government. And sir Christopher Blunt, and sir John Davis from sir Christopher Blunt, did speak to the point of bringing in a toleration of the catholic religion.

For the overt rebellion in the city itself, it was likewise opened, according to the former narration, and divided itself naturally into three parts.

First, the imprisonment of the counsellors, bringing her majesty's royal commandment to them, upon their allegiance to disperse their forces. Secondly, the entering the city, and the stirring of the people to rise, as well by provoking them to arm, as by giving forth the slanders that the realm was sold to the Spaniard, and the assailing of the queen's forces at Ludgate. And thirdly, the resistance and keeping of the house against her majesty's forces under the charge and conduct of the lord-lieutenant.

And albeit these parts were matters notorious, and within almost every man's view and knowledge; yet, for the better satisfaction of the peers, they were fully proved by the oath of the lord chief justice of England, being there present, *viva voce*, and the declaration of the earl of Worcester, being one of the peers likewise, *viva voce*, touching so much as passed about the imprisonment of themselves and the rest; and by the confessions of the earl of Rutland, the lord Sandys, the lord Cromwell, and others.

The defence of the late earl of Essex, touching the plot and consultation at Drury-house, was: That it was not proved that he was at it; and that they could

hew nothing, proving his consent or privity, under his hand.

Touching the action in the city, he justified the pretext of the danger of his life to be a truth. He said that his speech, that the realm should have been sold to the Infanta of Spain, was grounded upon a report he had heard, that sir Robert Cecil should say privately, That the Infanta's title to the crown, after her majesty, was as good as any other. He excused the imprisonment of the counsellors to have been against his mind, forced upon him by his unruly company. He protested he never intended in his heart any hurt to her majesty's person; that he did desire to secure his access to her, for which purpose he thought to pray the help of the city, and that he did not arm his men in warlike sort, nor struck up drum, nor the like.

The defence of the late earl of Southampton to his part in the plot, and consultation at Drury-house, was: That it was a matter debated, but not resolved nor concluded; and that the action which was executed, was not the action which was consulted upon. And for the open action in the city, he concurred with Essex, with protestation of the clearness of his mind for any hurt to the queen's person: and that it was but his affection to my lord of Essex that had drawn him into the cause. This was the substance and best of both their defences. Unto which the reply was:

Defence. *To the point, that the late earl of Essex was not at the consultation at Drury-house:*

Reply. It was replied, that it was proved by all the witnesses, that that consultation was held by his special appointment and direction, and that both the list of the names and the principal articles were of his own hand-writing. And whereas he said, they could not be shewed extant under his hand; it was proved by the confession of my lord of Rutland, and the lord Sands, that he had provided for that himself. For after he returned out of the city to his own house, he burned divers papers which he had in a cabinet, because, as himself said, they should tell no tales.

Defence. *To the point which Southampton al-*

ledged, That the consultation at Drury-house, upon the list and articles in writing, was not executed:

Reply. It was replied, that both that consultation in that manner held, if none other act had followed, was treason: and that the rebellion following in the city, was not a desisting from the other plot, but an inducement and pursuance of it; their meaning being plain on all parts, that after they had gotten the aid of the city, they would have gone and possessed the court.

Defence. *To the point, that it was a truth that Essex should have been assailed by his private enemies:*

Reply. First, he was required to deliver who it was that gave him the advertisement of it; because otherwise it must light upon himself, and be thought his own invention: whereunto he said, that he would name no man that day.

Then it was shewed how improbable it was, considering that my lord Cobham and sir Walter Raleigh were men whose estates were better settled and established than to overthrow their fortunes by such a crime.

Besides, it was shewed how the tale did not hang together, but varied in itself, as the tale of the two judges did, when one said, under the mulberry-tree, and another said, under the fig-tree. So sometimes it was, that he should have been murdered in his bed, and sometimes upon the water, and sometimes it should have been performed by Jesuits some days before.

Thirdly, it was asked what reference the going into the city for succour against any his private enemies had to the imprisoning of the lord Keeper, and the lord Chief Justice, persons that he pretended to love and respect; and the earl of Worcester his kinsman, and Master Comptroller his uncle, and the publishing to the people, that the realm should have been sold to the Spaniard.

And lastly, it was said, that these were the ancient footsteps of former traitors, to make their quarrel as against their private enemies, because God unto lawful kings did ever impart such beams of his own glory,

s traitors could not look straight upon them, but ever urned their pretences against some about them; and hat this action of his resembled the action of Pisisratus of Athens, that proceeded so far in this kind of iction and dissimulation, as he lanced his own body, nd came hurt and wounded before the people, as having been assailed by his private enemies; and by colour thereof obtained a guard about his person, by help of whom he after usurped upon the state.

Defence. *To the point, that he heard it reported Mr. Secretary should say, That the Infanta's title to the crown, after her majesty, was as good as any other:*

Reply. Upon this his allegation, Mr. Secretary standing out of sight in a private place, only to hear, being much moved with so false and foul an accusation, came suddenly forth, and made humble request to the lord Steward, that he might have the favour to answer for himself. Which being granted him, in respect of the place he carried, after a bitter contestation on his part with the earl, and a serious protestation of his alienation of heart from the Spanish nation in any such condition, he still urged the earl to name the reporter, that all the circumstances might be known. But the earl still warily avoiding it, Mr. Secretary replied, That seeing he would alledge no author, it ought to be reputed his own fiction. Whereupon the earl of Essex said, Though his own conscience was a sufficient testimony to himself that he had not invented any untruth, yet he would affirm thus much for the world's farther satisfaction in that behalf, that the earl of Southampton also had heard so much reported of Mr. Secretary; but said still that he, for his part, would name nobody. Whereupon Mr. Secretary adjured the earl of Southampton, by all former friendship, which had been indeed very great between them, that he would declare the person; which he did presently, and said it was Mr. Comptroller. At which speech Mr. Secretary straight took hold and said, That he was glad to hear him named of all others; for howsoever some malicious person might peradventure

have been content to give credit to so injurious a conceit of him, especially such as were against the peace wherein he was employed, and for which the earl of Essex had ever hated him, being ever desirous to keep an army on his own dependency, yet he did think no man of any understanding would believe that he could be so senseless as to pick out the earl of Essex his uncle to lay open to him his affection to that nation, in a matter of so odious and pernicious consequence; and so did very humbly crave it at the hands of the lord Steward, and all the peers, that Mr. Comptroller might be sent for, to make good his accusation.

Thereupon the lord Steward sent a serjeant at arms for Mr. Comptroller, who presently came thither, and did freely and sincerely deliver, that he had only said, though he knew not well to whom, that Mr. Secretary and he walking in the garden at court one morning about two years since, and talking casually of foreign things, Mr. Secretary told him, that one Doleman had maintained in a book, not long since printed, that the Infanta of Spain had a good title to the crown of England: which was all, as Mr. Comptroller said, that ever he heard Mr. Secretary speak of that matter. And so the weak foundation of that scandal being quickly discerned, that matter ended; all that could be proved being no other, than that Mr. Comptroller had told another, who had told the earl of Essex, that Mr. Secretary said to him, that such a book said so; which every man could say that hath read it, and no man better knew than the earl himself, to whom it was dedicated.

Defence. *To the point of both their protestations, that they intended no hurt to her majesty's person:*

Reply. First, the judges delivered their opinions for matter in law upon two points: the one, that in case where a subject attempteth to put himself into such strength as the king shall not be able to resist him, and to force and compel the king to govern otherwise than according to his own royal authority and direction, it is manifest rebellion. The other, that in every rebellion the law intendeth as a consequent, the

mpassing the death and deprivation of the king, as reseeing that the rebel will never suffer that king to re or reign, which might punish or take revenge of s treason and rebellion. And it was inforced by the ueen's counsel, that this is not only the wisdom of the ws of the realm which so defineth of it, but it is also ie censure of foreign laws, the conclusion of common ason, which is the ground of all laws, and the demonstrative assertion of experience, which is the warranty of all reason. For first, the civil law maketh his judgment, that treason is nothing else but *crimen æsæ majestatis*, or *diminutæ majestatis*, making very offence which abridgeth or hurteth the power nd authority of the prince, as an insult or invading f the crown, and extorting the imperial sceptre. And or common reason, it is not possible that a subject should once come to that height as to give law to his sovereign, but what with insolency of the change, nd what with terror of his own guiltiness, he will never permit the king, if he can choose, to recover uthority; nor, for doubt of that, to continue alive. And lastly, for experience, it is confirmed by all stories and examples, that the subject never obtained superiority and command over the king, but there ollowed soon after the deposing and putting of the king to death, as appeareth in our own chronicles, in two notable particulars of two unfortunate kings: the one of Edward the second, who when he kept himself close for danger, was summoned by proclamation to come and take upon him the government of the realm: but as soon as he presented himself was made prisoner, and soon after forced to resign, and in the end tragically murdered in Berkley castle. And the other of king Richard the second, who though the duke of Hereford, after king Henry the fourth, presented himself before him with three humble reverences, yet in the end was deposed and put to death.

Defence. *To the point of not arming his men otherwise than with pistols, rapiers, and daggers, it was replied:*

Reply. That that course was held upon cunning,

the better to insinuate himself into the favour of the city, as coming like a friend with an All hail, or kiss, and not as an enemy, making full reckoning that the city would arm him, and arm with him; and that he took the pattern of his action from the day of the barricadoes at Paris, where the duke of Guise entering the city but with eight gentlemen, prevailing with the city of Paris to take his part, as my lord of Essex, thanks be to God, failed of the city of London, made the king, whom he thought likewise to have surprised, to forsake the town, and withdraw himself into other places, for his farther safety. And it was also urged against him out of the confession of the earl of Rutland and others, that he cried out to the citizens, "That they did him hurt and no good, to come with-"out weapons;" and provoked them to arm: and finding they would not be moved to arm with him, sought to arm his own troops.

This, point by point, was the effect of the reply. Upon all which evidence both the earls were found guilty of treason by all the several voices of every one of the peers, and so received judgment.

The names of the peers that passed upon the trial of the two earls.

Earl of Oxford.	Lord Cobham.
Earl of Shrewsbury.	Lord Stafford.
Earl of Derby.	Lord Gray.
Earl of Cumberland.	Lord Lumley.
Earl of Worcester.	Lord Windsor.
Earl of Sussex.	Lord Rich.
Earl of Hertford.	Lord Darcy de Chichey.
Earl of Lincoln.	Lord Chandos.
Earl of Nottingham.	Lord Hunsdon.
Lord Viscount Bindon.	Lord St. John de Bletso.
	Lord Compton.
Lord De la Ware.	Lord Burghley.
Lord Morley.	Lord Howard of Walden.

The names of the judges that assisted the court.

Lord Chief Justice.
Lord Chief Justice of the Common Pleas.
Lord Chief Baron.
Justice Gawdy.
Justice Fenner.
Justice Walmsly.
Baron Clerke.
Justice Kingsmill.

Some particularities of that which passed after the arraignment of the late earls, and at the time of the suffering of the earl of Essex.

But the earl of Essex, finding that the consultation at Drury-house, and the secret plots of his premeditated and prepensed treasons were come to light, contrary to his expectation, was touched, even at his parting from the bar, with a kind of remorse; especially because he had carried the manner of his answer, rather in a spirit of ostentation and glory, than with humility and penitence: and brake out in the hall, while the lords were in conference, into these words; "That "seeing things were thus carried, he would ere it be "long say more than yet was known." Which good motion of his mind being, after his coming back to the Tower, first cherished by M. D. of Norwich, but after wrought on by the religious and effectual persuasions and exhortations of Mr. Abdy Ashton his chaplain, the man whom he made suit by name to have with him for his soul's health, as one that of late time he had been most used unto, and found most comfort of, comparing it, when he made the request, to the case of a patient, that in his extremity would be desirous to have that physician that was best acquainted with his body; he sent word the next day, to desire to speak with some of the principal counsellors, with whom he desired also that particularly Mr. Secretary might come for one. Upon which his request, first the lord Admiral and Mr. Secretary, and afterwards at two several times the lord Keeper of the great seal, the lord High Treasurer, the lord High Admiral, and

Mr. Secretary repaired unto him: before whom, after he had asked the lord Keeper forgiveness, for restraining him in his house, and Mr. Secretary for having wronged him at the bar, concerning the matter of the Infanta, with signification of his earnest desire to be reconciled to them, which was accepted with all Christian charity and humanity; he proceeded to accuse heavily most of his confederates for carrying malicious minds to the state, and vehemently charged Cuffe his man to his own face, to have been a principal instigator of him in his treasons; and then disclosed how far Sir Henry Neville, her majesty's late ambassador, was privy to all the conspiracy; of whose name till then there had not been so much as any suspicion. And farther, at the lords first coming to him, not sticking to confess that he knew her majesty could not be safe while he lived, did very earnestly desire this favour of the queen, that he might die as privately as might be.

The testimony of the three divines under their hands.

And the morning before his execution, there being sent unto him, for his better preparation, Mr. Doctor Mountford, and Mr. Doctor Barlow, to join with Mr. Abdy Ashton his chaplain, he did in many words thank God that he had given him a deeper insight into his offence, being sorry he had so stood upon his justification at his arraignment: since which time, he said, he was become a new man, and heartily thanked God also that his course was by God's providence prevented. For, if his project had taken effect, "God knoweth," said he, "what harm it had wrought in the realm."

He did also humbly thank her majesty, that he should die in so private a manner, for he suffered in the Tower-yard, and not upon the hill, by his own special suit, lest the acclamation of the people, for those were his own words, might be a temptation to him: adding, that all popularity and trust in man was vain, the experience whereof himself had felt: and acknowledged farther unto them, that he was justly and worthily spewed out, for that was also his own word, of the realm, and that the nature of his offence was like a leprosy that had infected far and near. And

so likewise at the public place of his suffering, he did use vehement detestation of his offence, desiring God to forgive him his great, his bloody, his crying, and his infectious sin: and so died very penitently, but yet with great conflict, as it should seem, for his sins. For he never mentioned, nor remembered there, wife, children, or friend, nor took particular leave of any that were present, but wholly abstracted and sequestered himself to the state of his conscience, and prayer.

The effect of that which passed at the arraignments of Sir CHRISTOPHER BLUNT, Sir CHARLES DAVERS, Sir JOHN DAVIS, Sir GILLY MERICK, and HENRY CUFFE.

THE fifth of March, by a very honourable commission of Oyer and Terminer, directed to the lord High Admiral, the lord Chamberlain, Mr. Secretary, the lord Chief Justice of England, Mr. Chancellor of the exchequer, Mr. Secretary Herbert, with divers of the judges, the commissioners sitting in the court of the Queen's Bench, there were arraigned and tried by a jury both of aldermen of London, and other gentlemen of good credit and sort, Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merick, and Henry Cuffe. The three first whereof, before they pleaded, asked this question of the judges: Whether they might not confess the indictment in part, and plead not guilty to it in the other part? But being resolved by the judges, that their pleading must be general; they pleaded Not guilty, as did likewise the other two, without any such question asked. The reason of that question was, as they confessed, in respect of the clause laid in the indictment; That they intended and compassed the death and destruction of the queen's majesty: unto whose person, although they confessed at the bar, as they had done in their examinations, that their meaning was to come to her in such strength, as they should not be resisted, and to

require of her divers conditions and alterations of government, such as in their confessions are expressed, nevertheless they protested, they intended no personal harm to herself. Whereupon as at the arraignment of the two earls, so then again the judges delivered the rule of the law; that the wisdom and foresight of the laws of this land maketh this judgment, That the subject that rebelleth or riseth in forcible manner to over-rule the royal will and power of the king, intendeth to deprive the king both of crown and life: and that the law judgeth not of the fact by the intent, but of the intent by the fact. And the queen's counsel did again inforce that point, setting forth that it was no mystery or quiddity of the common law, but it was a conclusion infallible of reason and experience; for that the crown was not a ceremony or garland, but consisted of pre-eminence and power.

And therefore, when the subject will take upon him to give law to the king, and to make the power sovereign and commanding to become subject and commanded; such subject layeth hold of the crown, and taketh the sword out of the king's hands. And that the crown was fastened so close upon the king's head, that it cannot be pulled off, but that head, and life, and all will follow; as all examples, both in foreign stories and here at home, do make manifest. And therefore, when their words did protest one thing, and their deeds did testify another, they were but like the precedent of the protestation used by Manlius the lieutenant of Catiline, that conspired against the state of Rome, who began his letter to the senate with these words: *Deos hominesque testor, patres conscripti, nos nihil aliud, etc.*

And it was said farther, that admitting their protestations were so far true, that they had not at that time in their minds a formed and distinct cogitation to have destroyed the queen's person; yet nothing was more variable and mutable than the mind of man, and specially *Honores mutant mores:* when they were once aloft, and had the queen in their hands, and were peers in my lord of Essex his parliament, who could

promise of what mind they would then be? especially when my lord of Essex at his arraignment had made defence of his first action of imprisoning the privy counsellors, by pretence that he was inforced to it by his unruly company. So that if themselves should not have had, or would not seem to have had, that extreme and devilish wickedness of mind, as to lay violent hands upon the queen's sacred person; yet, what must be done to satisfy the multitude and secure their party, must be then the question: wherein the example was remembered of Richard the third, who, though he were king in possession, and the rightful inheritors but infants, could never sleep quiet in his bed, till they were made away. Much less would a Catilinary knot and combination of rebels, that did rise without so much as the fume of a title, ever endure, that a queen that had been their sovereign, and had reigned so many years in such renown and policy, should be longer alive than made for their own turn. And much speech was used to the same end. So that in the end all those three at the bar said, that now they were informed, and that they descended into a deeper consideration of the matter, they were sorry they had not confessed the indictment. And Sir Christopher Blunt, at the time of his suffering, discharged his conscience in plain terms, and said publicly before all the people, that he saw plainly with himself, that if they could not have obtained all that they would, they must have drawn blood even from the queen herself.

The confession of Blunt at his death, which is set down in the end.

The evidence given in against them three, was principally their own confessions, charging every one himself, and the other, and the rest of the evidence used at the arraignment of the late earls, and mentioned before: save that, because it was perceived, that that part of the charge would take no labour nor time, being plain matter and confessed, and because some touch had been given, in the proclamation, of the treasons of Ireland, and chiefly because Sir Christopher Blunt was marshal of the army in Ireland, and most inward with my lord in all his proceedings there; and not so only, but farther in the confession of Thomas Lee it

was precisely contained, that he knew the earl of Essex and Tyrone, and Blunt the marshal, to be all one, and to run one course; it was thought fit to open some part of the treasons of Ireland, such as were then known. Which very happily gave the occasion for Blunt to make that discovery of the purpose to have invaded the realm with the army of Ireland: which he then offered, and afterwards uttered, and in the end sealed with his blood, as is hereafter set down.

Against Cuffe was given in evidence, both Sir Charles Davers's confession, who charged him, when there was any debating of the several enterprises which they should undertake, that he did ever bind firmly and resolutely for the court: and the accusation under the earl's hand, avouched by him to his face, that he was a principal instigator of him in his treasons: but especially a full declaration of Sir Henry Neville's, which describeth and planteth forth the whole manner of his practising with him.

The fellow, after he had made some introduction by an artificial and continued speech, and some time spent in sophistical arguments, descended to these two answers: the one, For his being within Essex-house that day, the day of the rebellion, they might as well charge a lion within a grate with treason, as him; and for the consultation at Drury-house, it was no more treason than the child in the mother's belly is a child. But it was replied, that for his being in the house, it was not compulsory, and that there was a distribution in the action, of some to make good the house, and some to enter the city, and the one part held correspondent to the other, and that in treasons there were no accessaries, but all principals.

And for the consultation at Drury-house, it was a perfect treason in itself, because the compassing of the king's destruction, which by judgment of law was concluded and implied in that consultation, was treason in the very thought and cogitation, so as that thought be proved by an overt act: and that the same consultation and debating thereupon was an overt act, though it had not been upon a list of names, and

articles in writing, much more being upon matter in writing.

And again: the going into the city was a pursuance and inducement of the enterprise to possess the court, and not a desisting or departure from it.

And lastly, it was ruled by the judges for law, That if many do conspire to execute treason against the prince in one manner, and some of them do execute it in another manner, yet their act, though differing in the manner, is the act of all them that conspire, by reason of the general malice of the intent.

Against Sir Gilly Merick, the evidence that was given, charged him chiefly with the matter of the open rebellion, that he was as captain or commander over the house, and took upon him charge to keep it, and make it good as a place of retreat for those which issued into the city, and fortifying and barricading the same house, and making provision of muskets, powder, pellets, and other munition and weapons for the holding and defending of it, and as a busy, forward, and noted actor in that defence and resistance, which was made against the queen's forces brought against it by her majesty's lieutenant.

And farther to prove him privy to the plot, it was given in evidence, that some few days before the rebellion, with great heat and violence he had displaced certain gentlemen lodged in an house fast by Essex-house, and there planted divers of my lord's followers and complices, all such as went forth with him in the action of rebellion.

That the afternoon before the rebellion, Merick, with a great company of others that afterwards were all in the action, had procured to be played before them the play of deposing king Richard the second.

Neither was it casual, but a play bespoken by Merick.

And not so only, but when it was told him by one of the players, that the play was old, and they should have loss in playing it, because few would come to it: there were forty shillings extraordinary given to play it, and so thereupon played it was.

So earnest he was to satisfy his eyes with the sight of that tragedy, which he thought soon after his lordship should bring from the stage to the state, but that God turned it upon their own heads.

The speeches of Sir Christopher Blunt at his execution, are set down as near as they could be remembered, after the rest of the confessions and evidences.

Here follow the voluntary confessions themselves, such as were given in evidence at both the several arraignments, taken forth word for word out of the originals: whereby it may appear how God brought matters to light, at several times, and in several parts, all concurring in substance: and with them other declarations and parts of evidence.

The confession of THOMAS LEE, taken the 14th of February 1600, before Sir JOHN PEYTON, lieutenant of the Tower; ROGER WILBRAHAM, master of the Requests; Sir ANTHONY SAINTLEGER, master of the Rolls in Ireland; and THOMAS FLEMING, her majesty's Solicitor general.

THIS examinate saith, that Tyrone sent a message to this examinate by James Knowd, whom this examinate by the marshal's warrant in writing had sent to Tyrone before himself went to Tyrone, that if the earl of Essex would follow his plot, he would make him the greatest man that ever was in England, and that, when Essex and Tyrone should have conference together, for his assurance unto the earl of Essex, Tyrone would deliver his eldest son in pledge to the earl. And with this message this examinate made the earl of Essex acquainted before his coming to this examinate's house, at that time when this examinate was sent to Tyrone.

This examinate saith, he knew that Essex, Tyrone, and the marshal Sir Christopher Blunt, were all one, and held all one course.

THOMAS LEE.

Exam. per JOHN PEYTON,
ROGER WILBRAHAM,
ANTHONY SAINTLEGER,
THOMAS FLEMING.

The declaration of Sir WILLIAM WARREN, 3 Octobris, 1599.

THE said Sir William came to Armagh the last Friday, being the twenty-eighth of September: from thence he sent a messenger in the night to Tyrone to Dungannon, signifying his coming to Armagh, as aforesaid, and that the next morning he would meet Tyrone at the fort of Blackwater: where accordingly the said Tyrone met with him; and after other speeches, by farther discourse the said Tyrone told the said Sir William, and delivered it with an oath, that within these two months he should see the greatest alteration, and the strangest, that he the said Sir William could imagine, or ever saw in his life: and said, that he hoped, before it was long, that he the said Tyrone should have a good share in England: which speeches of the alteration Tyrone reiterated two or three several times.

The earl of Essex came the same day to the court in England.

WILLIAM WARREN.

Certified from the council of Ireland to the lords of the council here.

The declaration of THOMAS WOOD, 20 Januarii, 1599, taken before the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary; and Sir J. FORTESCUE, Chancellor of the Exchequer.

THE said Wood said, that happening to be with the lord Fitzmorris baron of Licksnaw, at his house at

Licksnaw, between Michaelmas and Alhallowtide last, the said baron walking abroad with the said Wood, asked of him what force the earl of Essex was of in England; he answered, he could not tell, but said he was well beloved of the commonalty. Then said the baron, that the earl was gone for England, and had discharged many of the companies of Ireland, and that it was agreed that he should be king of England, and Onele to be viceroy of Ireland; and whensoever he should have occasion, and would send for them, Onele should send him eight thousand men out of Ireland. The said Wood asked the baron, how he knew that? He answered, that the earl of * Desmond had written to him so much.

* The titulary earl that is in rebellion.

THOMAS WOOD.

Confessed in the presence of THOMAS BUCKHURST,
NOTTINGHAM,
ROBERT CECIL,
JOHN FORTESCUE.

The confession of JAMES KNOWD, taken the 16th of February 1600, before Sir ANTHONY SAINTLEGER, master of the Rolls in Ireland, and ROGER WILBRAHAM, master of the Requests.

OWNEY MAC RORY having secret intelligence of the friendship between the earl of Essex and Tyrone, wrote to Tyrone, desiring him to certify him thereof, whereby he might frame his course accordingly, and not do any thing contrary to their agreement: which letter myself did write by Owney's appointment, for then I was in credit with him; in which letter he also desired Tyrone to send him some munition. The letter, with instructions to that effect, was in my presence delivered to one Turlagh mac Davy o Kelly, a man of secrecy, sufficiency, and trust with Owney; and he carried it to Tyrone: before whose return Owney grew suspicious of me, because I sometimes belonged to Mr. Bowen, and therefore they would not trust me,

so as I could not see the answer: but yet I heard by many of their secret council, that the effect thereof was, That the earl of Essex should be king of England, and Tyrone of Ireland.

Afterwards I met with Turlagh mac Davy, the messenger aforesaid, and asked him whether he brought an answer of the letter from Tyrone. He said he did, and delivered it to Owney. And then I asked him what he thought of the wars. He told me he had good hope the last year, and had none this year: his reason was, as he said, that the earl of Essex was to take their part, and they should aid him towards the conquest of England; and now they were hindered thereof by means of his apprehension.

I, dwelling with the tanist of the country, my mother's cousin german, heard him speak sundry times, that now the earl of Essex had gotten one of the swords, he would never forego his government until he became king of England, which was near at hand.

I saw a letter which the earl of Essex writ to Owney, to this effect; That if Owney came to him, he would speak with him about that, which if he would follow, should be happy for him and his country.

JAMES KNOWD.

Exam. per ANTHONY SAINTLEGER,
ROGER WILBRAHAM.

The declaration of DAVID HETHRINGTON, an ancient captain and servitor in Ireland, 6 January, 1599, taken before the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary; and Sir JOHN FORTESCUE, Chancellor of the Exchequer.

HE, the said David Hethrington, riding into the edge of the county of Kildare, about the end of the first cessation, fortuned to meet with one James Oc-

curren, one of the horsemen of Master Bowen provost marshal of Lemster, who told him, that the said James Occurren meeting lately with a principal follower of Owney mac Rory, chief of the Moores, Owney's man asked him what news he heard of the earl of Essex? To which James Occurren answered, that he was gone for England: whereunto he said, Nay, if you can tell me no news, I can tell you some; the earl of Essex is now in trouble for us, for that he would do no service upon us; which he never meant to do, for he is ours, and we are his.

DAVID HETHRINGTON.

Confessed in the presence of THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL,
JO. FORTESCUE.

The first confession of Sir FERDINANDO GORGE, knight, the 16th of February, 1600, taken before Sir THOMAS EGERTON, lord Keeper of the great seal; the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; and Sir Robert Cecil, principal Secretary.

HE saith, the earl of Essex wrote a letter to him in January, complaining of his misfortune: that he desired his company, and desired his repair up to him by the second of February; that he came to town on Saturday seven-night before the earl's insurrection, and that the same night late he visited the earl: who, after compliments, told him that he stood on his guard, and resolved not to hazard any more commandments or restraints; that he desired him to rest him that night, and to repair unto him again, but in such sort as it might not be noted.

That he had been with the earl two or three times that week; and on Saturday, being the seventh of February, the earl told him that he had been sent for by the lords, and refused to come: delivering farther,

hat he resolved to defend himself from any more estraint.

He farther saith, that it was in question the same Saturday night, to have stirred in the night, and to have attempted the court. But being demanded, whether the earl could have had sufficient company to have done any thing in the night: he answered, that all the earl's company were ready at one hour's warning, and had been so before, in respect that he had meant long before to stand upon his guard.

That it was resolved to have the court first attempted; that the earl had three hundred gentlemen to do it; but that he the said Ferdinando Gorge was a violent dissuader of him from that purpose, and the earl most confident in the party of London, which he meant, upon a later dispute, first to assure; and that he was also assured of a party in Wales, but meant not to use them, until he had been possessed of the court.

That the earl and Sir Christopher Blunt understanding that Sir Walter Raleigh had sent to speak with him in the morning, the said Sir Christopher Blunt persuaded him, either to surprise Sir Walter Raleigh, or to kill him. Which when he utterly refused, Sir Christopher Blunt sent four shot after him in a boat.

That at the going out of Essex-house gate, many cried out, To the court, to the court. But my lord of Essex turned him about towards London.

That he meant, after possession of the court, to call a parliament, and therein to proceed as cause should require.

At that time of the consultation on Saturday night, my lord was demanded, what assurance he had of those he made account to be his friends in the city? Whereunto he replied, that there was no question to be made of that, for one, amongst the rest, that was presently in one of the greatest commands amongst them, held himself to be interessed in the cause, for so he phrased it, and was colonel of a thousand men, which were ready at all times; besides others that he held himself as assured of, as of him, and able to make

as great numbers. Some of them had at that instant, as he reported to us, sent unto him, taking notice of as much as he made us to know of the purpose intended to have intrapped him, and made request to know his pleasure.

FERD. GORGE.

Exam. per THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The second confession of Sir FERDINANDO GORGE, the 18th of February, 1600, all written of his own hand; and acknowledged in the presence of Sir THOMAS EGERTON, lord Keeper of the great seal; the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; and Sir ROBERT CECIL, principal Secretary.

ON Tuesday before the insurrection, as I remember, I was sent unto by my lord of Essex, praying me to meet my lord of Southampton, Sir Charles Davers, Sir John Davis, and other his friends at Drury-house; where I should see a schedule of his friends names, and projects to be disputed upon. Whither I came accordingly, and found the foresaid earl, Sir Charles Davers, Sir John Davis, and one Mr. Littleton. The names were shewed and numbered to be six score; earls, barons, knights, and gentlemen. The projects were these, whether to attempt the court, or the Tower, or to stir his friends in London first, or whether both the court and Tower at an instant? I disliked that counsel. My reasons were that I alledged to them, first, to attempt both with those numbers, was not to be thought on, because that was not sufficient; and therefore advised them to think of something else. Then they would needs resolve to attempt the court, and withal desired mine opinion. But I prayed them first to set down the manner how it

might be done. Then Sir John Davis took ink and paper, and assigned to divers principal men their several places; some to keep the gate, some to be in the hall, some to be in the presence, some in the lobby, some in the guard-chamber, others to come in with my lord himself, who should have had the passage given him to the privy-chamber, where he was to have presented himself to her majesty.

FERD. GORGE.

Knowledged in the presence of THO. EGERTON, C.S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The confession of Sir JOHN DAVIS, taken the 18th of February, 1600, before the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary; and JOHN HERBERT, second Secretary of State.

SIR JOHN DAVIS being demanded, how long before my lord Essex' tumult he knew of such his purpose?

He answers, that he knew not directly of any meaning my lord had, until the Sunday seven-night before, or thereabout.

Being demanded, what he knew? Then he answered, that my lord consulted to possess himself of the court, at such convenient time when he might find least opposition. For executing of which enterprises, and of other affairs, he appointed my lord of Southampton, Sir Charles Davers, Sir Ferdinando Gorge, and himself, to meet at Drury-house, and there to consider of the same, and such other projects as his lordship delivered them: and principally, for surprising of the court, and for the taking of the Tower of London. About which business they had two meetings, which were five or six days before the insurrection.

He farther saith, that Sir Christopher Blunt was not

at this consultation, but that he stayed and advised with my lord himself about other things to him unknown: for that my lord trusted several men in several businesses, and not all together.

Being demanded, what was resolved in the opinions of these four before named? He saith, that Sir Charles Davers was appointed to the presence-chamber, and himself to the hall: and that my lord was to determine himself, who should have guarded the court-gate and the water-gate. And that Sir Charles Davers, upon a signal or a watch-word, should have come out of the presence into the guard-chamber; and then some out of the hall to have met him, and so have stept between the guard and their halberds; of which guard they hoped to have found but a dozen, or some such small number.

Being asked, whether he heard that such as my lord misliked should have received any violence? He saith, that my lord avowed the contrary, and that my lord said, he would call them to an honourable trial, and not use the sword.

Being demanded, whether my lord thought his enemies to be Spanish, *bona fide*, or no? He saith, that he never heard any such speech; and if my lord used any such, it came into his head on the sudden.

Being demanded, what party my lord had in London? He saith, that the sheriff Smith was his hope, as he thinketh.

Being demanded, whether my lord promised liberty of catholic religion? He saith, that Sir Christopher Blunt did give hope of it.

JOHN DAVIS.

Exam. per NOTTINGHAM,
RO. CECIL,
J. HERBERT.

The confession of Sir CHARLES DAVERS, taken the 18th of February, *anno* 1600, before Sir THOMAS EGERTON, lord keeper of the great seal; the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, the lord High Admiral; lord HUNSDON, lord Chamberlain; and Sir ROBERT CECIL, principal Secretary.

HE confesseth, that before Christmas the earl of Essex had bethought himself, how he might secure his access unto the queen in such sort as he might not be resisted; but no resolution determinately taken, until the coming up of this examinate a little after Christmas.

And then he doth confess, that the resolution was taken to possess himself of the court; which resolution was taken agreeable to certain articles, which the earl of Essex did send to the earl of Southampton, this examinate, Sir Ferdinando Gorge, and Sir John Davis, written with the earl's own hand. To which consultation, being held at Drury-house, some four or five days before Sunday, that was the eighth of February, Littleton came in towards the end.

The points which the earl of Essex projected under his hand were these:

First, whether it were fit to take the Tower of London. The reason whereof was this: that after the court was possessed, it was necessary to give reputation to the action, by having such a place to bridle the city, if there should be any mislike of their possessing the court.

To the possessing of the court, these circumstances were considered:

First, the earl of Essex should have assembled all the noblemen and gentlemen of quality on his party; out of which number he should have chosen so many as should have possessed all the places of the court, where there might have been any likelihood of resistance: which being done, the earl of Essex, with

divers noblemen, should have presented himself to the queen.

The manner how it should have been executed, was in this sort: Sir Christopher Blunt should have had charge of the outer gate, as he thinketh. Sir Charles Davers, this examinate, with his company, should have made good the presence, and should have seized upon the halberds of the guard. Sir John Davis should have taken charge of the hall. All this being set, upon a signal given, the earl should have come into the court with his company.

Being asked, what they would have done after? he saith, They would have sent to have satisfied the city, and have called a parliament.

These were the resolutions set down by the earl of Essex of his own hand, after divers consultations.

He saith, Cuffe was ever of opinion, that the earl of Essex should come in this sort to the court.

CHARLES DAVERS.

Exam. per THO. EGERTON, C.S.
THO. BUCKHURST,
NOTTINGHAM,
G. HUNSDON,
RO. CECIL.

The second confession of Sir CHARLES DAVERS, taken the same day, and set down upon farther calling himself to remembrance, under his own hand, before Sir THO. EGERTON, lord Keeper of the great seal; lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary.

SOME points of the articles which my lord of Essex sent unto Drury-house, as near as I can remember, were these; whether both the court and the Tower should be both attempted at one time? if both, what numbers should be thought requisite for either? if the court alone, what places should be first possessed? by what persons?

And for those which were not to come into the court beforehand, where and in what sort they might assemble themselves, with least suspicion, to come in with my lord?

Whether it were not fit for my lord, and some of the principal persons, to be armed with privy coats?

CHARLES DAVERS.

Knowledged in the presence of THO. EGERTON, C.S.
THO. BUCKHURST,
NOTTINGHAM,
ROBERT CECIL.

The first confession of Sir CHRISTOPHER BLUNT, examined the 18th of February 1600, before Jo. HERBERT, second Secretary of estate, and in the presence of NIC. KEMPE, counsellor at law, WILLIAM WAIMARKE, WILLIAM MARTIN, ROBERT ANDREWS, citizens, JOHN TREVOR, surveyor of the navy, and THOMAS THORNEY, his surgeon.

HE confesseth that the earl of Essex sent Wiseman, about the 20th of January, to visit his wife, with letters of compliment, and to require him to come up unto him to London, to settle his estate according as he had written unto him before some few days.

Being demanded, to what end they went to the city, to join with such strength as they hoped for there? he confesseth it was to secure the earl of Essex his life, against such forces as should be sent against him. And being asked, What, against the queen's forces? he answered, That must have been judged afterwards.

But being farther asked, Whether he did advise to come unto the court over night? He saith, No; for Sir Ferdinando Gorge did assure, that the alarm was taken of it at the court, and the guards doubled.

Being asked, whether he thought any prince could have endured to have any subject make the city his mediator? or to gather force to speak for him? He

saith, he is not read in stories of former times; but he doth not know but that in former times subjects have used force for their mediation.

Being asked, what should have been done by any of the persons that should have been removed from the queen? He answered, that he never found my lord disposed to shed blood; but that any that should have been found, should have had indifferent trial.

Being asked upon his conscience, whether the earl of Essex did not give him comfort, that if he came to authority, there should be a toleration for religion? He confesseth, he should have been to blame to have denied it.

CHRISTOPHER BLUNT.

This was read unto Sir Christopher Blunt, and afterwards signed by him in the presence of us who are under written:

JO. HERBERT, ROB. ANDREWS,
NIC. KEMPE, JO. TREVOR,
WIL. WAIMARKE, TH. THORNEY.
WIL. MARTIN,

The second confession of Sir CHRISTOPHER BLUNT the same day, viz. the 18th of February; taken before Mr. JOHN HERBERT, second Secretary of estate, and subscribed by him in the presence of NICHOLAS KEMPE, counsellor at law, THOMAS THORNEY, his surgeon, and WILLIAM MARTIN, ROBERT ANDREWS, and RANDOLPH BULL, citizens

This weakness was in respect of his hurt received in charging her majesty's forces at Lud-

SIR CHRISTOPHER BLUNT, after the signing of this confession, being told, that he did not deal plainly, excused himself by his former weakness, putting us in mind that he said once before, that when he was able to speak, he would tell all truth, doth now confess; That four or five days before the earl of Essex did rise, he did set down certain articles to be considered on, which he saw not, until afterward he was made

acquainted with them, when they had amongst themselves disputed: which were these.

One of them was, whether the Tower of London should be taken?

Another, whether they should not possess the court, and so secure my lord, and other men, to come to the queen?

For the first concerning the Tower, he did not like it; concluding, that he that had the power of the queen, should have that.

He confesseth that upon Saturday night, when Mr. Secretary Herbert had been with the earl, and that he saw some suspicion was taken, he thought it in vain to attempt the court, and persuaded him rather to save himself by flight, than to engage himself farther, and all his company. And so the resolution of the earl grew to go into the city, in hope, as he said before, to find many friends there

He doth also say, that the earl did usually speak of his purpose to alter the government.

CHRISTOPHER BLUNT.

Exam. per JO. HERBERT.

Subscribed in the presence of

NIC. KEMPE, W. MARTIN,
THO. THORNEY, RANDOLPH BULL.
ROB. ANDREWS,

The declaration of the lord Keeper, the earl of WORCESTER, and the lord Chief Justice of England.

UPON Sunday, being the 8th of February last past, about ten of the clock in the forenoon, the lord Keeper of the great seal, the earl of Worcester, Sir William Knolles, comptroller of her majesty's household, and the lord Chief Justice of England, being commanded by direction from the queen's majesty, did repair to the late earl of Essex his house, and finding the gate shut against them, after a little stay they were let in at the wicket: and as *soon as they* were within the gate,

the wicket was shut upon them, and all their servants kept out.

At their coming thither they found the court full of men assembled together in very tumultuous sort; the earls of Essex, Rutland, and Southampton, and the lord Sandys, Mr. Parker, commonly called lord Montegle, Sir Christopher Blunt, Sir Charles Davers, and many other knights and gentlemen, and other persons unknown, which flocked together about the lord Keeper, *etc.* And thereupon the lord Keeper told the earl of Essex, that they were sent from her majesty to understand the cause of this their assembly, and to let them know, that if they had any particular cause of grief against any persons whatsoever, it should be heard, and they should have justice.

Hereupon the earl of Essex with a very loud voice declared, That his life was sought, and that he should have been murdered in his bed; that he had been perfidiously dealt with; that his hand had been counterfeited, and letters written in his name; and that therefore they were assembled there together to defend their lives; with much other speech to like effect. Hereupon the lord Chief Justice said unto the earl, That if they had any such matter of grief, or if any such matter were attempted or purposed against him, he willed the earl to declare it, assuring him that it should be truly related to her majesty, and that it should be indifferently heard, and justice should be done whomsoever it concerned.

To this the earl of Southampton objected the assault made upon him by the lord Gray. Whereunto the lord Chief Justice said, That in his case justice had been done, and the party imprisoned for it. And hereupon the lord Keeper did eftsoons will the earl of Essex, that whatsoever private matter or offence he had against any person whatsoever, if he would deliver it unto them, they would faithfully and honestly deliver it to the queen's majesty, and doubted not to procure him honourable and equal justice, whomsoever it concerned; requiring him, that if he would not declare it openly, that he would impart it unto them privately, and doubted not but they would satisfy him in it.

Upon this there was a great clamour raised amongst the multitude, crying, "Away, my lord, they abuse "you, they betray you, they undo you, you lose time." Whereupon the lord Keeper put on his hat, and said with a loud voice, "My lord, let us speak with you "privately, and understand your griefs; and I com- "mand you all upon your allegiance, to lay down "your weapons, and to depart, which you ought all "to do, being thus commanded, if you be good sub- "jects, and owe that duty to the queen's majesty "which you profess." Whereupon they all brake out into an exceeding loud shout and cry, crying, "All, all, all."

And whilst the lord Keeper was speaking, and commanding them upon their allegiance, as is before declared, the earl of Essex and the most part of that company did put on their hats, and so the earl of Essex went into the house, and the lord Keeper, *etc.* followed him, thinking that his purpose had been to speak with them privately, as they had required. And as they were going, some of that disordered company cried, "Kill them." And as they were going into the great chamber, some cried, "Cast the great seal "out at the window." Some other cried there, "Kill them;" and some other said, "Nay, let us "shop them up."

The lord Keeper did often call to the earl of Essex to speak with them privately, thinking still that his meaning had been so, until the earl brought them into his back chamber, and there gave order to have the farther door of that chamber shut fast. And at his going forth out of that chamber, the lord Keeper press- ing again to have spoken with the earl of Essex, the earl said, "My lords, be patient awhile, and stay "here, and I will go into London, and take order "with the mayor and sheriffs for the city, and will be "here again within this half hour;" and so departed from the lord Keeper, *etc.* leaving the lord Keeper, *etc.* and divers of the gentlemen pensioners in that cham- ber, guarded by Sir John Davis, Francis Tresham, and Owen Salisbury, with musquet shot, where they con-

tinued until Sir Ferdinando Gorge came and delivered them about four of the clock in the afternoon.

In the mean time, we did often require Sir John Davis, and Francis Tresham, to suffer us to depart, or at the least to suffer some one of us to go to the queen's majesty, to inform her where and in what sort we were kept. But they answered, That my lord, meaning the earl of Essex, had commanded that we should not depart before his return, which, they said, would be very shortly.

THOMAS EGERTON, C. S.
EDWARD WORCESTER, JOHN POPHAM.

The examination of ROGER earl of RUTLAND, the 12th of February 1600, taken before Sir THOMAS EGERTON, lord Keeper of the great seal; the lord BUCKHURST, lord High Treasurer; the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary; and Sir Jo. POPHAM, lord Chief Justice of England.

HE saith, that at his coming to Essex-house on Sunday morning last, he found there with the earl of Essex, the lord Sandys, and the lord Chandos, and divers knights and gentlemen. And the earl of Essex told this examinate, that his life was practised to be taken away by the lord Cobham, and Sir Walter Raleigh, when he was sent for to the council; and the earl said, that now he meant by the help of his friends to defend himself: and saith, that the detaining of the lord Keeper and the other lords sent to the earl from the queen, was a stratagem of war; and saith, That the earl of Essex told him that London stood for him, and that sheriff Smith had given him intelligence, that he would make as many men to assist him as he could; and farther the earl of Essex said, that he meant to possess himself of the city, the better to enable himself to revenge him on his enemies, the lord Cobham, Sir Robert Cecil, and Sir Walter Raleigh. And this ex-

aminate confesseth, That he resolved to live and die with the earl of Essex; and that the earl of Essex did intend to make his forces so strong, that her majesty should not be able to resist him in the revenge of his enemies. And saith, That the earl of Essex was most inward with the earl of Southampton, Sir Christopher Blunt, and others; who have of long time shewed themselves discontented, and have advised the earl of Essex to take other courses, and to stand upon his guard: and saith, That when the earl of Essex was talking with the lord Keeper, and other the lords sent from her majesty, divers said, "My lord, they mean "to abuse you, and you lose time." And when the earl came to sheriff Smith's, he desired him to send for the lord Mayor that he might speak with him; and as the earl went in the streets of London, this examinate said to divers of the citizens, that if they would needs come, that it was better for their safety to come with weapons in their hands: and saith, That the earl of Essex, at the end of the street where sheriff Smith dwelt, cried out to the citizens, that they did him harm, for that they came naked; and willed them to get them weapons; and the earl of Essex also cried out to the citizens, that the crown of England was offered to be sold to the Infanta: and saith, That the earl burned divers papers that were in a little casket, whereof one was, as the earl said, an history of his troubles: and saith, That when they were assaulted in Essex-house, after their return, they first resolved to have made a sally out; and the earl said, that he was determined to die; and yet in the end they changed their opinion, and yielded: and saith, That the earl of Southampton, Sir Christopher Blunt, and Sir John Davis, advised the earl of Essex, that the lord Keeper and his company should be detained: and this examinate saith, That he heard divers there present cry out, "Kill them, kill them:" and saith, That he thinketh the earl of Essex intended, that after he had possessed himself of the city, he would intreat the lord Keeper and his company to accompany him to the court. He saith, he heard Sir Christopher Blunt say openly, in the presence of

the earl of Essex and others, how fearful, and in what several humours they should find them at the court, when they came thither.

RUTLAND.

Exam. per TH. EGERTON, C. S. RO. CECIL,
T. BUCKHURST, JO. POPHAM.
NOTTINGHAM,

The confession of WILLIAM lord SANDYS, of the parish of Sherborne-Cowdry in the county of Southampton, taken this 16th of February, 1600, before Sir JOHN POPHAM, lord Chief Justice; ROGER WILBRAHAM, master of the Requests, and EDWARD COKE, her majesty's Attorney-general.

HE saith, That he never understood that the earl did mean to stand upon his strength till Sunday in the morning, being the 8th of this instant February: and saith, That in the morning of that day this examinate was sent for by the earl of Essex about six or seven of the clock: and the earl sent for him by his servant Warburton, who was married to a widow in Hampshire. And at his coming to the earl, there were six or seven gentlemen with him, but remembereth not what they were; and next after, of a nobleman, came my lord Chandos, and after him came the earl of Southampton, and presently after the earl of Rutland, and after him Mr. Parker, commonly called the lord Montegle: and saith, That at his coming to the earl of Essex, he complained that it was practised by Sir Walter Raleigh to have murdered him as he should have gone to the lord Treasurer's house with Mr. Secretary Herbert. And saith, that he was present in the court-yard of Essex-house, when the lord Keeper, the earl of Worcester, Sir William Knolles, and the lord Chief Justice, came from the queen's majesty to the earl of Essex; and the lord Chief Justice required the earl of Essex to have some private conference with him; and that if any private wrongs were offered unto

him, that they would make true report thereof to her majesty, who, no doubt, would reform the same: and saith, That this examinate went with the earl, and the rest of his company, to London to sheriff Smith's, but went not into the house with him, but stayed in the street a while; and being sent for by the earl of Essex, went into the house, and from thence came with him till he came to Ludgate; which place being guarded, and resistance being made, and perceived by the earl of Essex, he said unto his company, "Charge;" and thereupon Sir Christopher Blunt, and others of his company gave the charge, and being repulsed, and this examinate hurt in the leg, the earl retired with this examinate and others to his house called Essex-house. And on his retire, the earl said to this examinate, That if sheriff Smith did not his part, that his part was as far forth as the earl's own; which moved him to think that he trusted to the city. And when the earl was, after his retire, in Essex-house, he took an iron casket, and broke it open, and burnt divers papers in it; whereof there was a book, as he taketh it, and said, as he was burning of them, that they should tell no tales to hurt his friends: and saith, That the earl said, that he had a black bag about his neck that should tell no tales.

WILLIAM SANDYS.

Exam. per JO. POPHAM, ROGER WILBRAHAM, EDW. COKE.

The examination of the lord CROMWELL, taken the 7th of March, 1600, by Sir J. POPHAM, lord Chief Justice; CHRIST. YELVERTON, her majesty's serjeant; and FR. BACON, of her majesty's learned counsel.

* AT the sheriff's house this examinate pressed in with the rest, and found the earls shifting themselves

* This examination, as appeareth by the date, was taken after Essex's arraignment, but is inserted, to shew how the speech, of the realm to be sold to the Infanta, which at his arraignment he derived from Mr. Secretary, at sheriff Smith's house he said was advertised out of Ireland: and with this latter concur many other examinations.

in an inner chamber, where he heard my lord of Essex certify the company, that he had been advertised out of Ireland, which he would not now hide from them, that the realm should be delivered over to the hands of the Infanta of Spain, and that he was wished to look to it; farther, that he was to seek redress for injuries; and that he had left at his house for pledges, the lord Keeper, the earl of Worcester, Sir William Knolles, and the lord Chief Justice.

EDW. CROMWELL.

Exam. per JO. POPHAM, CHR. YELVERTON, FR. BACON.

Sir CHRISTOPHER BLUNT, knight, at the time of his arraignment, did openly at the bar desire to speak with the lord Admiral and Mr. Secretary; before whom he made this confession following: which the earl of SOUTHAMPTON confirmed afterwards, and he himself likewise at his death.

HE confesseth, That at the castle of Dublin, in that lodging which was once the earl of Southampton's, the earl of Essex purposing his return into England, advised with the earl of Southampton and himself, of his best manner of going into England for his security, seeing to go he was resolved.

At that time he propounded his going with a competent number of soldiers, to the number of two or three thousand, to have made good his first landing with that force, until he could have drawn unto himself a sufficient strength to have proceeded farther.

From this purpose this examinate did use all forcible persuasions, alledging not only his own ruin, which should follow thereof, and all those which should adhere to him in that action; but urging it to him as a matter most foul, because he was not only held a patron of his country, which by this means he should have destroyed; but also should have laid upon himself an irrevocable blot, having been so deeply bound to her majesty. To which dissuasion the earl of Southampton also inclined.

This design being thus dissuaded by them, then they fell to a second consideration: and therein this examinate confesseth, That he rather advised him, if needs he would go, to take with him some competent number of choice men.

He did not name unto him any particular power that would have come to him at his landing, but assured himself that his army would have been quickly increased by all sorts of discontented people.

He did confess before his going, That he was assured that many of the rebels would be advised by him, but named none in particular.

The examination of the earl of SOUTHAMPTON after his arraignment; taken before the earl of NOTTINGHAM, lord High Admiral; Sir ROBERT CECIL, principal Secretary; and Mr. JOHN HERBERT, second Secretary of estate.

SIR CHRISTOPHER BLUNT being hurt, and lying in the castle of Dublin, in a chamber which had been mine, the earl of Essex one day took me thither with him, where being none but we three, he told us, He found it necessary for him to go into England, and thought it fit to carry with him as much of the army as he could conveniently transport, to go on shore with him to Wales, and there to make good his landing with those, till he could send for more; not doubting but his army would so increase in a small time, that he should be able to march to London, and make his conditions as he desired.

To which project I answered, That I held it altogether unfit, as well in respect of his conscience to God, and his love to his country, as his duty to his sovereign, of which he, of all men, ought to have greatest regard, seeing her majesty's favours to him had been so extraordinary: wherefore I could never give any consent unto it. Sir Christopher Blunt joined with me in this opinion.

Exam. per NOTTINGHAM, RO. CECIL,
J. HERBERT.

The speech of Sir CHRISTOPHER BLUNT, at the time of his death, as near as it could be remembered, March 18, 1600.

MY lords, and you that be present, although I must confess, that it were better fitting the little time I have to breathe, to bestow the same in asking God forgiveness for my manifold and abominable sins, than to use any other discourse, especially having both an imperfection of speech, and God knows a weak memory, by reason of my late grievous wound: yet to satisfy all those that are present, what course hath been held by me in this late enterprise, because I was said to be an instigator and setter on of the late earl, I will truly, and upon the peril of my soul, speak the truth.

It is true, that the first time that ever I understood of any dangerous discontentment in my lord of Essex, was about three years ago, at Wanstead, upon his coming one day from Greenwich. At that time he spake many things unto me, but descended into no particulars, but in general terms.

After which time he never brake with me in any matter tending to the alteration of the state, I protest before God, until he came into Ireland, other than I might conceive, that he was of an ambitious and discontented mind. But when I lay at the castle of Thomas Lee, called Reban, in Ireland, grievously hurt, and doubted of my life, he came to visit me, and then began to acquaint me with his intent.

[As he thus spake, the sheriff began to interrupt him, and told him the hour was past. But my lord Gray, and Sir Walter Raleigh captain of the guard, called to the sheriff, and required him not to interrupt him, but to suffer him quietly to finish his prayers and confessions. Sir Christopher Blunt said, Is Sir Walter Raleigh there? Those on the scaffold answered, Yea. To whom Sir Christopher Blunt spake on this manner:]

Sir Walter Raleigh, I thank God that you are present: I had an infinite desire to speak with you, to ask you forgiveness ere I died, both for the wrong done

ou, and for my particular ill intent towards you: I eseech you forgive me.

Sir Walter Raleigh answered, That he most wilngly forgave him, and besought God to forgive him, nd to give him his divine comfort: protesting before he Lord, That whatsoever Sir Christopher Blunt meant owards him, for his part he never had any ill intent owards him: and farther said to Sir Christopher Blunt, ' I pray you without offence let me put you in mind ' that you have been esteemed, not only a principal ' provoker and persuader of the earl of Essex in all ' his undutiful courses, but especially an adviser in " that which hath been confessed of his purpose to " transport a great part of her majesty's army out of " Ireland into England, to land at Milford, and thence " to turn it against her sacred person. You shall do " well to tell the truth, and to satisfy the world." To which he answered thus:

Sir, if you will give me patience, I will deliver a truth, speaking now my last, in the presence of God, in whose mercy I trust. [And then he directed himself to my lord Gray and my lord Compton, and the rest that sat on horseback near the scaffold.]

When I was brought from Reban to Dublin, and lodged in the castle, his lordship and the earl of Southampton came to visit me: and to be short, he began thus plainly with me: That he intended to transport a choice part of the army of Ireland into England, and land them in Wales, at Milford or thereabouts; and so securing his descent thereby, would gather such other forces as might enable him to march to London. To which, I protest before the Lord God, I made this or the like answer: That I would that night consider of it; which I did.

And the next day the earls came again: I told them, That such an enterprise, as it was most dangerous, so would it cost much blood, as I could not like of it; besides many hazards, which at this time I cannot remember unto you, neither will the time permit it. But I rather advised him to go over himself with a good train, and make sure of the court, and then make his own conditions.

And although it be true, that, as we all protested in our examinations and arraignments, we never resolved of doing hurt to her majesty's person, for in none of our consultations was there set down any such purpose; yet, I know, and must confess, if we had failed of our ends, we should, rather than have been disappointed, even have drawn blood from herself. From henceforward he dealt no more with me herein, until he was discharged of his keeper at Essex-house. And then, he again asked mine advice, and disputed the matter with me; but resolved not. I went then into the country, and before he sent for me, which was some ten days before his rebellion, I never heard more of the matter. And then he wrote unto me to come up, upon pretence of making some assurances of land, and the like. I will leave the rest unto my confessions, given to that honourable lord Admiral, and worthy Mr. Secretary, to whom I beseech you, Sir Walter Raleigh, commend me; I can requite their favourable and charitable dealing with me, with nought else but my prayers for them. And I beseech God of his mercy, to save and preserve the queen, who hath given comfort to my soul, in that I hear she hath forgiven me all, but the sentence of the law, which I most worthily deserved, and do most willingly embrace; and hope that God will have mercy and compassion on me, who have offended him as many ways as ever sinful wretch did. I have led a life so far from his precepts, as no sinner more. God forgive it me, and forgive me my wicked thoughts, my licentious life, and this right arm of mine, which, I fear me, hath drawn blood in this last action. And I beseech you all bear witness, that I die a Catholic, yet so, as I hope to be saved only by the death and passion of Christ, and by his merits, not ascribing any thing to mine own works. And I trust you are all good people, and your prayers may profit me. Farewell, my worthy lord Gray, and my lord Compton, and to you all; God send you both to live long in honour. I will desire to say a few prayers, and embrace my death most willingly.

With that he turned from the rail towards the executioner; and the minister offering to speak with him, he came again to the rail, and besought that his conscience might not be troubled, for he was resolved; which he desired for God's sake. Whereupon commandment was given, that the minister should not interrupt him any farther. After which he prepared himself to the block, and so died very manfully and resolutely.

An abstract out of the earl of Essex's confession under his own hand.

Upon Saturday the twenty-first of February, after the late earl of Essex had desired us to come to him, as well to deliver his knowledge of those treasons, which he had formerly denied at the bar, as also to recommend his humble and earnest request, that her majesty would be pleased, out of her grace and favour, to suffer him to die privately in the Tower; he did marvellous earnestly desire, that we would suffer him to speak unto Cuffe his secretary: against whom he vehemently complained unto us, to have been a principal instigator to these violent courses which he had undertaken. Wherein he protested, that he chiefly desired that he might make it appear that he was not the only persuader of those great offences which they had committed; but that Blunt, Cuffe, Temple, besides those other persons who were at the private conspiracy at Drury-house, to which, though these three were not called, yet they were privy, had most malicious and bloody purposes to subvert the state and government: which could not have been prevented, if his project had gone forward.

This request being granted him, and Cuffe brought before him, he there directly and vehemently charged him; and among other speeches used these words: "Henry Cuffe, call to God for mercy, and to the "queen, and deserve it by declaring truth. For I, "that must now prepare for another world, have re-

" solved to deal clearly with God and the world: and
" must needs say this to you; You have been one of
" the chiefest instigators of me to all these my disloyal
" courses into which I have fallen."

Testified by THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The earl of ESSEX his confession to three ministers, whose names are underwritten, the 25th of February, 1600.

THE late earl of Essex thanked God most heartily, That he had given him a deeper insight into his offence, being sorry he had so stood upon his justification at his arraignment, for he was since that become another man.

He thanked God that his course was so prevented; for if his project had taken effect, God knows, said he, what harm it had wrought in the realm.

He humbly thanked her majesty, that he should die in so private a manner, lest the acclamation of the people might have been a temptation unto him. To which he added, that all popularity and trust in man was vain: the experience whereof himself had felt.

He acknowledged with thankfulness to God, that he was thus justly spewed out of the realm.

He publicly in his prayer and protestation, as also privately, aggravated the detestation of his offence; and especially in the hearing of them that were present at the execution, he exaggerated it with four epithets, desiring God to forgive him his great, his bloody, his crying, and his infectious sin: which word *infectious* he privately had explained to us, that it was a leprosy that had infected far and near.

THOMAS MONFORD,
WILLIAM BARLOW,
ABDY ASHTON, his chaplain.

THE

APOLOGY

OF

SIR FRANCIS BACON,

IN CERTAIN IMPUTATIONS CONCERNING THE LATE

EARL OF ESSEX.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORD

THE EARL OF DEVONSHIRE,

LORD LIEUTENANT OF IRELAND.

It may please your good lordship, I cannot be ignorant, and ought to be sensible of the wrong which I sustain in common speech, as if I had been false or unthankful to that noble, but unfortunate earl, the earl of Essex: and for satisfying the vulgar sort, I do not so much regard it; though I love a good name, but yet as an handmaid and attendant of honesty and virtue. For I am of his opinion that said pleasantly, "That it was a shame to him that was a suitor to the "mistress, to make love to the waiting-woman;" and therefore to woo or court common fame, otherwise than it followeth on honest courses, I, for my part, find not myself fit or disposed. But, on the other side, there is no worldly thing that concerneth myself, which I hold more dear than the good opinion of certain persons; among which there is none I would more willingly give satisfaction unto, than to your lordship. First, because you loved my lord of Essex, and therefore will not be partial towards me, which is part of that I desire: next, because it hath ever pleased you to shew yourself to me an honourable friend, and so no

baseness in me to seek to satisfy you: and lastly, because I know your lordship is excellently grounded in the true rules and habits of duties and moralities, which must be they which shall decide this matter; wherein, my lord, my defence needeth to be but simple and brief; namely, that whatsoever I did concerning that action and proceeding, was done in my duty and service to the queen and the state; in which I would not shew myself false-hearted, nor faint-hearted, for any man's sake living. For every honest man that hath his heart well planted, will forsake his king rather than forsake God, and forsake his friend rather than forsake his king; and yet will forsake any earthly commodity, yea, and his own life in some cases, rather than forsake his friend. I hope the world hath not forgotten these degrees, else the heathen saying, *Amicus usque ad aras*, shall judge them.

And if any man shall say, I did officiously intrude myself into that business, because I had no ordinary place; the like may be said of all the business in effect that passed the hands of the learned counsel, either of state or revenues, these many years, wherein I was continually used. For, as your lordship may remember, the queen knew her strength so well, as she looked her word should be a warrant; and, after the manner of the choicest princes before her, did not always tye her trust to place, but did sometime divide private favour from office. And I for my part, though I was not so unseen in the world, but I knew the condition was subject to envy and peril; yet because I knew again she was constant in her favours, and made an end where she began; and especially because she upheld me with extraordinary access, and other demonstrations of confidence and grace, I resolved to endure it in expectation of better. But my scope and desire is, that your lordship would be pleased to have the honourable patience to know the truth, in some particularity, of all that passed in this cause, wherein I had any part, that you may perceive how honest a heart I ever bare to my sovereign, and to my country, and to that nobleman, who had so well deserved of

me, and so well accepted of my deservings, whose fortune I cannot remember without much grief. But for any action of mine towards him, there is nothing that passed me in my life-time, that cometh to my remembrance with more clearness, and less check of conscience: for it will appear to your lordship, that I was not only not opposite to my lord of Essex, but that I did occupy the utmost of my wits, and adventure my fortune with the queen, to have reintegrated his, and so continued faithfully and industriously, till his last fatal impatience, for so I will call it, after which day there was not time to work for him; though the same, my affection, when it could not work on the subject proper, went to the next, with no ill effect towards some others, who, I think, do rather not know it, than not acknowledge it. And this I will assure your lordship, I will leave nothing untold, that is truth, for any enemy that I have, to add; and on the other side, I must reserve much which makes for me, in many respects of duty, which I esteem above my credit: and what I have here set down to your lordship, I protest, as I hope to have any part in God's favour, is true.

It is well known, how I did many years since dedicate my travels and studies to the use, and, as I may term it, service of my lord of Essex, which, I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humour of a man, that ever from the time I had any use of reason, whether it were reading upon good books, or upon the example of a good father, or by nature, I loved my country more than was answerable to my fortune; and I held at that time my lord to be the fittest instrument to do good to the state, and therefore I applied myself to him in a manner which I think happeneth rarely among men: for I did not only labour carefully and industriously in that he set me about, whether it were matter of advice or otherwise, but, neglecting the queen's service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminate with myself, to the best of my under-

standing, propositions and memorials of any thing that might concern his lordship's honour, fortune, or service. And when, not long after I entered into this course, my brother Mr. Anthony Bacon came from beyond the seas, being a gentleman whose ability the world taketh knowledge of for matters of state, especially foreign, I did likewise knit his service to be at my lord's disposing. And on the other side, I must and will ever acknowledge my lord's love, trust, and favour towards me; and last of all his liberality, having infeoffed me of land which I sold for eighteen hundred pounds to Mr. Reynold Nicholas, which, I think, was more worth; and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter; which, though it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your lordship with relating to you the manner of it. After the queen had denied me the solicitor's place, for the which his lordship had been a long and earnest suitor on my behalf, it pleased him to come to me from Richmond to Twicknam Park, and brake with me, and said: "Mr. Bacon, the queen hath de- "nied me the place for you, and hath placed another; "I know you are the least part of your own matter, "but you fare ill because you have chosen me for "your mean and dependence: you have spent your "time and thoughts in my matters; I die," these were his very words, "if I do not somewhat towards your "fortune, you shall not deny to accept a piece of land "which I will bestow upon you." My answer, I remember, was, that for my fortune it was no great matter; but that his lordship's offer made me call to mind what was wont to be said, when I was in France, of the duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations: meaning, that he had left himself nothing, but only had bound numbers of persons to him. "Now, "my lord, said I, I would not have you imitate his "course, nor turn your estate thus by great gifts into "obligations, for you will find many bad debtors."

He bade me take no care for that, and pressed it: whereupon I said, "My lord, I see I must be your "homager, and hold land of your gift; but do you "know the manner of doing homage in law? Always "it is with a saving of his faith to the king and his "other lords; and therefore, my lord, said I, I can be "no more yours than I was, and it must be with the "ancient savings: and if I grow to be a rich man, "you will give me leave to give it back again to some "of your unrewarded followers."

But to return: sure I am, though I can arrogate nothing to myself but that I was a faithful remembrancer to his lordship, that while I had most credit with him his fortune went on best: and yet in two main points we always directly and contradictorily differed, which I will mention to your lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the queen, was by obsequiousness and observance; and I remember I would usually engage confidently, that if he would take that course constantly, and with choice of good particulars to express it, the queen would be brought in time to Ahasuerus's question, to ask, *What should be done to the man that the king would honour?* Meaning, that her goodness was without limit, where there was a true concurrence: which I knew in her nature to be true. My lord, on the other side, had a settled opinion, that the queen could be brought to nothing but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will, he would ask me, "Now, Sir, whose principles be true?" And I would again say to him; "My lord, these courses be like to "hot waters, they will help at a pang; but if you use "them you shall spoil the stomach, and you shall be "fain still to make them stronger, and stronger, and "yet in the end they will lessen their operation;" with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependence, or by a popular dependence, as

that which would breed in the queen jealousy, in himself presumption, and in the state perturbation: and I did usually compare them to Icarus's two wings, which were joined on with wax, and would make him venture to soar too high, and then fail him at the height. And I would farther say unto him; "My "lord, stand upon two feet, and fly not upon two "wings: the two feet are the two kinds of justice, "commutative, and distributive: use your greatness for "advancing of merit and virtue, and relieving wrongs "and burthens; you shall need no other art or "finesse:" but he would tell me, that opinion came not from my mind, but from my robe. But it is very true, that I, that never meant to inthral myself to my lord of Essex, nor any other man, more than stood with the public good, did, though I could little prevail, divert him by all means possible from courses of the wars and popularity: for I saw plainly the queen must either live or die; if she lived, then the times would be as in the declination of an old prince; if she died, the times would be as in the beginning of a new; and that if his lordship did rise too fast in these courses, the times might be dangerous for him, and he for them. Nay, I remember, I was thus plain with him upon his voyage to the islands, when I saw every spring put forth such actions of charge and provocation, that I said to him, "My lord, when I came first "unto you, I took you for a physician that desired to "cure the diseases of the state; but now I doubt you "will be like those physicians which can be content to "keep their patients low, because they would always "be in request." Which plainness he nevertheless took very well, as he had an excellent ear, and was *patientissimus veri*, and assured me the case of the realm required it: and I think this speech of mine, and the like renewed afterwards, pricked him to write that Apology which is in many mens hands.

But this difference in two points so main and material, bred in process of time a discontinuance of privateness, as it is the manner of men seldom to communicate where they think their courses not approved, between

his lordship and myself; so as I was not called nor advised with for some year and a half before his lordship's going into Ireland, as in former time: yet, nevertheless, touching his going into Ireland, it pleased him expressly, and in a set manner, to desire mine opinion and counsel. At which time I did not only dissuade, but protest against his going; telling him, with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the queen's mind, whereby it would not be possible for him to carry himself so as to give her sufficient contentment; nor for her to carry herself so as to give him sufficient countenance: which would be ill for her, ill for him, and ill for the state. And because I would omit no argument, I remember I stood also upon the difficulty of the action; setting before him out of histories, that the Irish was such an enemy as the ancient Gauls, or Britons, or Germans were; and that we saw how the Romans, who had such discipline to govern their soldiers, and such donatives to encourage them, and the whole world in a manner to levy them; yet when they came to deal with enemies, which placed their felicity only in liberty, and the sharpness of their sword, and had the natural elemental advantages of woods, and bogs, and hardness of bodies, they ever found they had their hands full of them; and therefore concluded, that going over with such expectation as he did, and through the churlishness of the enterprise not like to answer it, would mightily diminish his reputation: and many other reasons I used, so as I am sure I never in any thing in my life-time dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny, to that journey, as it is possible for any man to ground a judgment upon future contingents. But my lord, howsoever his ear was open, yet his heart and resolution was shut against that advice, whereby his ruin might have been prevented. After my lord's going, I saw then how true a prophet I was, in regard of the evident alteration which naturally succeeded in the queen's mind; and

thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire, if it had been possible: and not long after, methought I saw some overture thereof, which I apprehended readily; a particularity which I think to be known to very few, and the which I do the rather relate unto your lordship, because I hear it should be talked, that while my lord was in Ireland I revealed some matters against him, or I cannot tell what; which if it were not a mere slander as the rest is, but had any, though never so little, colour, was surely upon this occasion. The queen, one day at Nonesuch, a little, as I remember, before Cuffe's coming over, where I attended her, shewed a passionate distaste of my lord's proceedings in Ireland, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be; and was pleased, as she spake of it to many that she trusted least, so to fall into the like speech with me. Whereupon I, who was still awake, and true to my grounds which I thought surest for my lord's good, said to this effect: "Madam, "I know not the particulars of estate, and I know this, "that princes actions must have no abrupt periods or "conclusions; but otherwise I would think, that if "you had my lord of Essex here with a white staff in "his hand, as my lord of Leicester had, and continued "him still about you for society to yourself, and for "an honour and ornament to your attendance and "court in the eyes of your people, and in the eyes of "foreign ambassadors, then were he in his right ele-"ment; for to discontent him as you do, and yet to "put arms and power into his hands, may be a kind "of temptation to make him prove cumbersome and "unruly. And therefore if you would *imponere bo-"nam clausulam*, and send for him, and satisfy him "with honour here near you, if your affairs, which, "as I have said, I am not acquainted with, will per-"mit it, I think were the best way." Which course, your lordship knoweth, if it had been taken, then all had been well, and no contempt in my lord's coming

over, nor continuance of these jealousies, which that employment of Ireland bred, and my lord here in his former greatness. Well, the next news that I heard was, that my lord was come over, and that he was committed to his chamber for leaving Ireland without the queen's licence; this was at Nonesuch, where, as my duty was, I came to his lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course that was taken with him: I told him, "My lord, *Nubecula est, cito* "*transibit;* it is but a mist. But shall I tell your "lordship, it is as mists are: if it go upwards, it may "perhaps cause a shower: if downwards, it will clear "up. And therefore, good my lord, carry it so, as you "take away by all means all umbrages and distastes "from the queen; and especially, if I were worthy to "advise you, as I have been by yourself thought, and "now your question imports the continuance of that "opinion, observe three points: first, make not this "cessation or peace, which is concluded with Ty-"rone, as a service wherein you glory, but as a shuf-"fling up of a prosecution which was not very fortu-"nate. Next, represent not to the queen any ne-"cessity of estate, whereby, as by a coercion or "wrench, she should think herself inforced to send "you back into Ireland, but leave it to her. Thirdly, "seek access *importune, opportune,* seriously, sport-"ingly, every way." I remember my lord was wil-ling to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but, sure I am, he did just contrary in every one of these three points. After this, during the while since my lord was committed to my lord Keeper's, I came divers times to the queen, as I had used to do, about causes of her revenue and law busi-ness, as is well known; by reason of which accesses, according to the ordinary charities of court, it was given out, that I was one of them that incensed the queen against my lord of Essex. These speeches I cannot tell, nor I will not think, that they grew any way from her majesty's own speeches, whose memory

I will ever honour; if they did, she is with God, and *Miserum est ab illis lædi, de quibus non possis queri.* But I must give this testimony to my lord Cecil, that one time in his house at the Savoy he dealt with me directly, and said to me, "Cousin, I hear it, "but I believe it not, that you should do some ill "office to my lord of Essex; for my part I am merely "passive, and not active in this action; and I follow "the queen, and that heavily, and I lead her not; "my lord of Essex is one that in nature I could con- "sent with as well as with any one living; the queen "indeed is my sovereign, and I am her creature, I "may not lose her, and the same course I would wish "you to take." Whereupon I satisfied him how far I was from any such mind. And as sometimes it cometh to pass, that mens inclinations are opened more in a toy, than in a serious matter: a little before that time, being about the middle of Michaelmas term, her majesty had a purpose to dine at my lodge at Twicknam Park, at which time I had, though I profess not to be a poet, prepared a sonnet directly tending and alluding to draw on her majesty's reconcilement to my lord; which, I remember, also I shewed to a great person, and one of my lord's nearest friends, who commended it. This, though it be, as I said, but a toy, yet it shewed plainly in what spirit I proceeded; and that I was ready not only to do my lord good offices, but to publish and declare myself for him: and never was I so ambitious of any thing in my life-time, as I was to have carried some token or favour from her majesty to my lord; using all the art I had, both to procure her majesty to send, and myself to be the messenger. For as to the former I feared not to alledge to her, that this proceeding toward my lord was a thing towards the people very unplausible; and therefore wished her majesty, however she did, yet to discharge herself of it, and lay it upon others; and therefore that she should intermix her proceeding with some immediate graces from herself, that the world might take knowledge of her princely nature and goodness, lest it should alienate the hearts of her people from her:

which I did stand upon; knowing well that if she once relented to send or visit, those demonstrations would prove matter of substance for my lord's good. And to draw that employment upon myself, I advised her majesty, that whensoever God should move her to turn the light of her favours towards my lord, to make signification to him thereof; that her majesty, if she did it not in person, would at the least use some such mean as might not intitle themselves to any part of the thanks, as persons that were thought mighty with her to work her, or to bring her about; but to use some such as could not be thought but a mere conduit of her own goodness. But I could never prevail with her, though I am persuaded she saw plainly whereat I levelled; and she plainly had me in jealousy, that I was not hers intirely, but still had inward and deep respects towards my lord, more than stood at that time with her will and pleasure. About the same time I remember an answer of mine in a matter which had some affinity with my lord's cause, which though it grew from me, went after about in others names. For her majesty being mightily incensed with that book which was dedicated to my lord of Essex, being a story of the first year of king Henry IV. thinking it a seditious prelude to put into the people's head boldness and faction, said, She had an opinion that there was treason in it, and asked me if I could not find any places in it that might be drawn within case of treason: whereto I answered; For treason surely I found none, but for felony very many. And when her majesty hastily asked me, Wherein? I told her, the author had committed very apparent theft; for he had taken most of the sentences of Cornelius Tacitus, and translated them into English, and put them into his text. And another time, when the queen would not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author; and said with great indignation, That she would have him racked to produce his author: I replied; "Nay, madam, he is a doctor, never rack his "person, but rack his style; let him have pen, ink,

" and paper, and help of books, and be enjoined to " continue the story where it breaketh off, and I will " undertake by collating the styles to judge whether he " were the author or no." But for the main matter, sure I am, when the queen at any time asked mine opinion of my lord's case, I ever in one tenour said unto her; That they were faults which the law might term contempts; because they were the transgression of her particular directions and instructions: but then what defence might be made of them, in regard of the great interest the person had in her majesty's favour; in regard of the greatness of his place, and the ampleness of his commission; in regard of the nature of the business, being action of war, which in common cases cannot be tied to strictness of instructions; in regard of the distance of the place, having also a sea between, that his demands and her commands must be subject to wind and weather; in regard of a council of state in Ireland, which he had at his back to avow his actions upon; and lastly, in regard of a good intention, that he would alledge for himself; which, I told her, in some religions was held to be a sufficient dispensation for God's commandments, much more for princes: in all these regards, I besought her majesty to be advised again and again, how she brought the cause into any public question. Nay, I went farther; for I told her, my lord was an eloquent and well-spoken man; and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore, that when he should come to his answer for himself, I doubted his words would have so unequal a passage above theirs that should charge him, as would not be for her majesty's honour; and therefore wished the conclusion might be, that they might wrap it up privately between themselves; and that she would restore my lord to his former attendance, with some addition of honour to take away discontent. But this I will never deny; that I did shew no approbation generally of his being sent back again into Ireland, both because it would have carried a repugnancy with my former dis-

course, and because I was in mine own heart fully persuaded that it was not good, either for the queen, or for the state, or for himself: and yet I did not dissuade it neither, but left it ever as *locus lubricus*. For this particularity I do well remember, that after your lordship was named for the place in Ireland, and not long before your going, it pleased her majesty at Whitehall to speak to me of that nomination: at which time I said to her; "Surely, madam, if you "mean not to employ my lord of Essex thither again, "your majesty cannot make a better choice;" and was going on to shew some reason, and her majesty interrupted me with great passion: "Essex!" said she; "whensoever I send Essex back again into Ire-"land, I will marry you, claim it of me." Whereunto I said; "Well, madam, I will release that con-"tract, if his going be for the good of your state." Immediately after the queen had thought of a course, which was also executed, to have somewhat published in the Star-chamber, for the satisfaction of the world, touching my lord of Essex his restraint, and my lord not to be called to it; but occasion to be taken by reason of some libels then dispersed: which when her majesty propounded unto me, I was utterly against it; and told her plainly, That the people would say, that my lord was wounded upon his back, and that Justice had her balance taken from her, which ever consisted of an accusation and defence; with many other quick and significant terms to that purpose: insomuch that, I remember, I said, that my lord *in foro famæ*, was too hard for her; and therefore wished her, as I had done before, to wrap it up privately. And certainly I offended her at that time, which was rare with me: for I call to mind, that both the Christmas, Lent, and Easter term following, though I came divers times to her upon law business, yet methought her face and manner was not so clear and open to me as it was at the first. And she did directly charge me, that I was absent that day at the Star-chamber, which was very true; but I alledged some indisposition of body to excuse it: and during all

the time aforesaid, there was *altum silentium* from her to me touching my lord of Essex's causes.

But towards the end of Easter term her majesty brake with me, and told me, That she had found my words true: for that the proceeding in the Star-chamber had done no good, but rather kindled factious bruits, as she termed them, than quenched them; and therefore, that she was determined now, for the satisfaction of the world, to proceed against my lord in the Star-chamber by an information *Ore tenus*, and to have my lord brought to his answer: howbeit, she said, she would assure me, that whatsoever she did should be towards my lord *ad castigationem, et non ad destructionem;* as indeed she had often repeated the same phrase before: whereunto I said, to the end utterly to divert her, "Madam, if you will have me "speak to you in this argument, I must speak to "you as Frier Bacon's head spake, that said first, "*Time is;* and then, *Time was;* and *Time will* "*never be:* for certainly, said I, it is now far too late, "the matter is cold, and hath taken too much wind." Whereat she seemed again offended, and rose from me; and that resolution for a while continued: and after, in the beginning of Midsummer term, I attending her, and finding her settled in that resolution, which I heard of also otherwise, she falling upon the like speech; it is true, that seeing no other remedy, I said to her slightly, "Why, madam, if you will needs "have a proceeding, you were best have it in some such "sort as Ovid spake of his mistress; *est aliquid luce* "*patente minus;* to make a council-table matter of "it, and there an end:" which speech again she seemed to take in ill part; but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star-chamber. Nevertheless, afterwards it pleased her to make a more solemn matter of the proceeding; and some few days after, an order was given that the matter should be heard at York-house, before an assembly of counsellors, peers, and judges, and some audience of men of quality to be admitted: and then did some principal

counsellors send for us of the learned counsel, and notify her majesty's pleasure unto us; save that it was said to me openly by one of them, that her majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech, that, I hear, is raised of me, how I was a suitor to be used against my lord of Essex at that time: for it is very true, that I that knew well what had passed between the queen and me, and what occasion I had given her both of distaste and distrust, in crossing her disposition, by standing stedfastly for my lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliment, signifying to her majesty, "That if she "would be pleased to spare me in my lord of Essex's "cause, out of the consideration she took of my obli- "gation towards him, I should reckon it for one of "her greatest favours: but otherwise desiring her ma- "jesty to think that I knew the degrees of duties; and "that no particular obligation whatsoever to any sub- "ject could supplant or weaken that entireness of duty "that I did owe and bear to her and her service." And this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a farther reach in it; for I judged that day's work would be a full period of any bitterness or harshness between the queen and my lord: and therefore, if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service. Hereupon the next news that I heard was, that we were all sent for again; and that her majesty's pleasure was, we all should have parts in the business; and the lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriage of my lord, in giving occasion and countenance to a seditious pamphlet, as it was termed, which was dedicated unto him, which was the book before mentioned of king Henry IV. Whereupon I replied to that allotment,

and said to their lordships, That it was an old matter, and had no manner of coherence with the rest of the charge, being matters of Ireland: and therefore, that I having been wronged by bruits before, this would expose me to them more; and it would be said I gave in evidence mine own tales. It was answered again with good shew, That because it was considered how I stood tied to my lord of Essex, therefore that part was thought fittest for me, which did him least hurt: for that whereas all the rest was matter of charge and accusation, this only was but matter of caveat and admonition. Wherewith though I was in mine own mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others: yet the conclusion binding upon the queen's pleasure directly, *volens nolens* I could not avoid that part that was laid upon me: which part, if in the delivery I did handle not tenderly, though no man before me did in so clear terms free my lord from all disloyalty as I did, that, your lordship knoweth, must be ascribed to the superior duty I did owe to the queen's fame and honour in a public proceeding, and partly to the intention I had to uphold myself in credit and strength with the queen, the better to be able to do my lord good offices afterwards: for as soon as this day was past, I lost no time; but the very next day following, as I remember, I attended her majesty, fully resolved to try and put in ure my utmost endeavour, so far as I in my weakness could give furtherance, to bring my lord again speedily into court and favour; and knowing, as I supposed at least, how the queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there: and I remember well, I said to her, "You have now, madam, obtained vic-
"tory over two things, which the greatest princes in
"the world cannot at their wills subdue; the one is
"over fame; the other is over a great mind: for
"surely the world is now, I hope, reasonably well
"satisfied; and for my lord, he did shew that humi-
"liation towards your majesty, as I am persuaded he

" was never in his life-time more fit for your majesty's " favour than he is now: therefore if your majesty will " not mar it by lingering, but give over at the best, " and now you have made so good a full point, receive " him again with tenderness, I shall then think, that all " that is past is for the best." Whereat, I remember, she took exceeding great contentment, and did often iterate and put me in mind, that she had ever said, That her proceedings should be *ad reparationem*, and not *ad ruinam*; as who saith, that now was the time I should well perceive, that that saying of hers should prove true. And farther she willed me to set down in writing all that passed that day. I obeyed her commandment, and within some few days after brought her again the narration, which I did read unto her in two several afternoons: and when I came to that part that set forth my lord's own answer, which was my principal care, I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my lord; and told me afterwards, speaking how well I had expressed my lord's part, That she perceived old love would not easily be forgotten: whereunto I answered suddenly, that I hoped she meant that by herself. But in conclusion I did advise her, That now she had taken a representation of the matter to herself, that she would let it go no farther: " For, madam," said I, " the fire blazeth well already, what should " you tumble it? And besides, it may please you to " keep a convenience with yourself in this case; for " since your express direction was, there should be " no register nor clerk to take this sentence, nor no " record or memorial made up of the proceeding, why " should you now do that popularly, which you would " not admit to be done judicially?" Whereupon she did agree that that writing should be suppressed; and I think there were not five persons that ever saw it. But from this time forth, during the whole latter end of that summer, while the court was at Nonesuch and Oatlands, I made it my task and scope to take and give occasions for my lord's redintegration in his fortunes: which my intention I did also signify to my lord

as soon as ever he was at his liberty; whereby I might without peril of the queen's indignation write to him: and having received from his lordship a courteous and loving acceptation of my good will and endeavours, I did apply it in all my accesses to the queen, which were very many at that time; and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my lord from time to time faithful advertisement what I found, and what I wished. And I drew for him, by his appointment, some letters to her majesty; which though I knew well his lordship's gift and stile was far better than mine own, yet, because he required it, alledging, that by his long restraint he was grown almost a stranger to the queen's present conceits, I was ready to perform it: and sure I am, that for the space of six weeks or two months, it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the queen, nor more made of, than when I spake fullest and boldest for him: in which kind the particulars were exceeding many; whereof, for an example, I will remember to your lordship one or two. As at one time, I call to mind, her majesty was speaking of a fellow that undertook to cure, or at least to ease my brother of his gout, and asked me how it went forward: and I told her majesty, That at the first he received good by it; but after in the course of his cure he found himself at a stay, or rather worse: the queen said again, "I will tell you, Bacon, the error "of it: the manner of these physicians, and especially "these empirics, is to continue one kind of medicine; "which at the first is proper, being to draw out the "ill humour; but, after, they have not the discretion "to change the medicine, but apply still drawing me-"dicines, when they should rather intend to cure and "corroborate the part." "Good Lord! madam," said I, "how wisely and aptly can you speak and discern "of physic ministered to the body, and consider not "that there is the like occasion of physic ministered to "the mind: as now in the case of my lord of Essex,

" your princely word ever was, that you intended ever " to reform his mind, and not ruin his fortune: I know " well you cannot but think that you have drawn the " humour sufficiently; and therefore it were more than " time, and it were but for doubt of mortifying or exul- " cerating, that you did apply and minister strength " and comfort unto him: for these same gradations of " yours are fitter to corrupt than correct any mind of " greatness." And another time I remember she told me for news, That my lord had written unto her some very dutiful letters, and that she had been moved by them; and when she took it to be the abundance of his heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines. Whereunto I replied, " O madam, how doth your " majesty construe these things, as if these two could " not stand well together, which indeed nature hath " planted in all creatures! For there are but two sym- " pathies, the one towards perfection, the other to- " wards preservation; that to perfection, as the iron " tendeth to the loadstone; that to preservation, as " the vine will creep towards a stake or prop that " stands by it; not for any love to the stake, but to " uphold itself. And therefore, madam, you must " distinguish: my lord's desire to do you service is, " as to his perfection, that which he thinks himself to " be born for; whereas his desire to obtain this thing " of you, is but for a sustentation."

And not to trouble your lordship with many other particulars like unto these, it was at the self-same time that I did draw, with my lord's privity, and by his appointment, two letters, the one written as from my brother, the other as an answer returned from my lord, both to be by me in secret manner shewed to the queen, which it pleased my lord very strangely to mention at the bar; the scope of which were but to represent and picture forth unto her majesty my lord's mind to be such, as I knew her majesty would fainest have had it: which letters whosoever shall see, for they cannot now be retracted or altered, being by reason of my brother's or his lordship's servants deli-

very long since come into divers hands, let him judge, especially if he knew the queen, and do remember those times, whether they were not the labours of one that sought to bring the queen about for my lord of Essex his good. The truth is, that the issue of all his dealing grew to this, that the queen, by some slackness of my lord's, as I imagine, liked him worse and worse, and grew more incensed towards him. Then she remembering belike the continual, and incessant, and confident speeches and courses that I had held on my lord's side, became utterly alienated from me, and for the space of, at last, three months, which was between Michaelmas and New-year's-tide following, would not so much as look on me, but turned away from me with express and purpose-like discountenance wheresoever she saw me; and at such time as I desired to speak with her about law-business, ever sent me forth very slight refusals, insomuch as it is most true, that immediately after New-year's-tide I desired to speak with her, and being admitted to her, I dealt with her plainly; and said, "Madam, I see you with-
"draw your favour from me, and now I have lost
"many friends for your sake, I shall lose you too:
"you have put me like one of those that the French-
"men call *enfans perdus*, that serve on foot before
"horsemen; so have you put me into matters of envy
"without place, or without strength; and I know at
"chess a pawn before the king is ever much played
"upon; a great many love me not, because they
"think I have been against my lord of Essex; and
"you love me not, because you know I have been for
"him; yet will I never repent me, that I have dealt
"in simplicity of heart towards you both, without re-
"spect of cautions to myself; and therefore *vivus*
"*videnque pereo*: if I do break my neck, I shall do
"it in a manner as Mr. Dorrington did it, which
"walked on the battlements of the church many
"days, and took a view and survey where he should
"fall. And so, madam, said I, I am not so simple
"but that I take a prospect of mine overthrow; only
"I thought I would tell you so much, that you may

:now that it was faith, and not folly that brought
ne into it, and so I will pray for you." Upon
ich speeches of mine uttered with some passion,
s true her majesty was exceedingly moved; and
umulated a number of kind and gracious words
n me, and willed me to rest upon this, *Gratia*
sufficit, and a number of other sensible and
der words and demonstrations, such as more
ld not be; but as touching my lord of Essex,
verbum quidem. Whereupon I departed, resting
n determined to meddle no more in the matter; as
t, that I saw would overthrow me, and not be able
lo him any good. And thus I made mine own
ce with mine own confidence at that time; and
was the last time I saw her majesty before the
ıth of February, which was the day of my lord of
ex his misfortune; after which time, for that I
formed at the bar in my public service, your lord-
knoweth, by the rules of duty that I was to do it
estly, and without prevarication; but for any put-
myself into it, I protest before God, I never
red either the queen, or any person living, con-
ning my being used in the service, either of evi-
ce or examination; but it was merely laid upon
with the rest of my fellows. And for the time
ch passed, I mean between the arraignment and
lord's suffering, I well remember I was but once
h the queen, at what time, though I durst not
l directly for my lord as things then stood, yet
erally I did both commend her majesty's mercy,
ning it to her as an excellent balm that did conti-
lly distil from her sovereign hands, and made an
ellent odour in the senses of her people; and not
so, but I took hardiness to extenuate, not the
, for that I durst not, but the danger, telling her,
t if some base or cruel-minded persons had entered
such an action, it might have caused much blood
combustion: but it appeared well, they were such
new not how to play the malefactors; and some
er words which I now omit. And as for the rest
he carriage of myself in that service, I have many
ourable witnesses that can tell, that the next day

after my lord's arraignment, by my diligence and information touching the quality and nature of the offenders, six of nine were stayed, which otherwise had been attainted, I bringing their lordships letter for their stay, after the jury was sworn to pass upon them; so near it went: and how careful I was, and made it my part, that whosoever was in trouble about that matter, as soon as ever his case was sufficiently known and defined of, might not continue in restraint, but be set at liberty; and many other parts, which, I am well assured of, stood with the duty of an honest man. But indeed I will not deny for the case of Sir Thomas Smith of London, the queen demanding my opinion of it, I told her, I thought it was as hard as many of the rest. But what was the reason? Because at that time I had seen only his accusation, and had never been present at any examination of his; and the matter so standing, I had been very untrue to my service, if I had not delivered that opinion. But afterwards upon a re-examination of some that charged him, who weakened their own testimony, and especially hearing himself *viva voce*, I went instantly to the queen, out of the soundness of my conscience, not regarding what opinion I had formerly delivered, and told her majesty, I was satisfied and resolved in my conscience, that for the reputation of the action, the plot was to countenance the action farther by him in respect of his place, than they had indeed any interest or intelligence with him. It is very true also, about that time her majesty taking a liking of my pen, upon that which I formerly had done concerning the proceeding at York-house, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book, which was published for the better satisfaction of the world; which I did, but so, as never secretary had more particular and express directions and instructions in every point how to guide my hand in it; and not only so, but after that I had made a first draught thereof, and propounded it to certain principal counsellors by her majesty's appointment, it was perused, weighed, censured, altered, and made

almost a new writing, according to their lordships better consideration; wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of style in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the queen herself, and some alterations made again by her appointment: nay, and after it was set to print, the queen, who, as your lordship knoweth, as she was excellent in great matters, so she was exquisite in small, and noted that I could not forget my ancient respect to my lord of Essex, in terming him ever *my lord of Essex, my lord of Essex,* almost in every page of the book, which she thought not fit, but would have it made *Essex,* or *the late earl of Essex:* whereupon of force it was printed *de novo,* and the first copies suppressed by her peremptory commandment.

And this, my good lord, to my farthest remembrance, is all that passed wherein I had part; which I have set down as near as I could in the very words and speeches that were used, not because they are worthy the repetition, I mean those of mine own; but to the end your lordship may lively and plainly discern between the face of truth, and a smooth tale; and the rather also, because in things that passed a good while since, the very words and phrases did sometimes bring to my remembrance the matters: wherein I report me to your honourable judgment, whether you do not see the traces of an honest man: and had I been as well believed either by the queen or by my lord, as I was well heard by them both, both my lord had been fortunate, and so had myself in his fortune.

To conclude therefore, I humbly pray your lordship to pardon me for troubling you with this long narration; and that you will vouchsafe to hold me in your good opinion, till you know I have deserved, or find that I shall deserve the contrary; and so ever I continue

At your Lordship's honourable commandments very humbly, F. B.

A

SPEECH IN PARLIAMENT,

39 OF ELIZABETH,

UPON THE MOTION OF SUBSIDY.

AND please you, Mr. Speaker, I must consider the time which is spent; but yet so, as I must consider also the matter, which is great. This great cause was, at the first, so materially and weightily propounded; and after, in such sort persuaded and enforced; and by him that last spake, so much time taken, and yet to good purpose; as I shall speak at a great disadvantage: but because it hath been always used, and the mixture of this house doth so require it, that in causes of this nature there be some speech and opinion, as well from persons of generality, as by persons of authority, I will say somewhat, and not much: wherein it shall not be fit for me to enter into, or to insist upon secrets, either of her majesty's coffers, or of her council; but my speech must be of a more vulgar nature.

I will not enter, Mr. Speaker, into a laudative speech of the high and singular benefits, which by her majesty's most politic and happy government we receive, thereby to incite you to a retribution; partly because no breath of man can set them forth worthily; and partly because, I know, her majesty in her magnanimity doth bestow her benefits like her freest patents, *absque aliquo inde reddendo;* not looking for any thing again, if it were in respect only of her particular, but love and loyalty. Neither will I now at this time put the case of this realm of England too precisely; how it standeth with the subject in point of payments to the crown: though I could make it appear by demonstration, what opinion soever be conceived, that never subjects

were partakers of greater freedom and ease; and that whether you look abroad into other countries at this present time, or look back to former times in this our own country, we shall find an exceeding difference in matter of taxes; which now I reserve to mention; not so much in doubt to acquaint your ears with foreign strains, or to dig up the sepulchres of buried and forgotten impositions, which in this case, as by way of comparison, it is necessary you understand; but because speech in the house is fit to persuade the general point, and particularly is more proper and seasonable for the committee: neither will I make any observations upon her majesty's manner of expending and issuing treasure; being not upon excessive and exorbitant donatives; nor upon sumptuous and unnecessary triumphs, buildings, or like magnificence; but upon the preservation, protection, and honour of the realm: for I dare not scan upon her majesty's actions, which it becometh me rather to admire in silence, than to gloss or discourse upon them, though with never so good a meaning. Sure I am that the treasure that cometh from you to her majesty is but as a vapour which riseth from the earth, and gathereth into a cloud, and stayeth not there long; but upon the same earth it falleth again: and what if some drops of this do fall upon France or Flanders? It is like a sweet odour of honour and reputation to our nation throughout the world. But I will only insist upon the natural and inviolate law of preservation.

It is a truth, Mr. Speaker, and a familiar truth, that safety and preservation is to be preferred before benefit or increase, inasmuch as those counsels which tend to preservation seem to be attended with necessity: whereas those deliberations which tend to benefit, seem only accompanied with persuasion. And it is ever gain and no loss, when at the foot of the account there remains the purchase of safety. The prints of this are every where to be found: the patient will ever part with some of his blood to save and clear the rest: the sea-faring man will, in a storm, cast over some of his goods to save and assure the rest: the husbandman

will afford some foot of ground for his hedge and ditch, to fortify and defend the rest. Why, Mr. Speaker, the disputer will, if he be wise and cunning, grant somewhat that seemeth to make against him, because he will keep himself within the strength of his opinion, and the better maintain the rest. But this place advertiseth me not to handle the matter in a common place. I will now deliver unto you that, which, upon a *probatum est*, hath wrought upon myself, knowing your affections to be like mine own. There hath fallen out, since the last parliament, four accidents or occurrents of state; things published and known to you all; by every one whereof it seemeth to me, in my vulgar understanding, that the danger of this realm is increased: which I speak not by way of apprehending fear, for I know I speak to English courages; but by way of pressing provision: for I do find, Mr. Speaker, that when kingdoms and states are entered into terms and resolutions of hostility one against the other; yet they are many times restrained from their attempts by four impediments:

The first is by this same *aliud agere;* when they have their hands full of other matters, which they have embraced, and serveth for a diversion of their hostile purposes.

The next is, when they want the commodity or opportunity of some places of near approach.

The third, when they have conceived an apprehension of the difficulty and churlishness of the enterprise, and that it is not prepared to their hand.

And the fourth is, when a state, through the age of the monarch, groweth heavy and indisposed to actions of great peril and motion: and this dull humour is not sharpened nor inflamed by any provocations or scorns. Now if it please you to examine, whether by removing the impediments, in these four kinds, the danger be not grown so many degrees nearer us by accidents, as I said, fresh, and all dated since the last parliament.

Soon after the last parliament, you may be pleased to remember how the French king revolted from his religion; whereby every man of common understand-

ing may infer, that the quarrel between France and Spain is more reconcileable, and a greater inclination of affairs to a peace than before: which supposed, it followeth, Spain shall be more free to intend his malice against this realm.

Since the last parliament, it is also notorious in every man's knowledge and remembrance, that the Spaniards have possessed themselves of that avenue and place of approach for England, which was never in the hands of any king of Spain before; and that is Calais; which in true reason and consideration of estate of what value or service it is, I know not; but in common understanding, it is a knocking at our doors.

Since the last parliament also that ulcer of Ireland, which indeed brake forth before, hath run on and raged more: which cannot but be a great attractive to the ambition of the council of Spain, who by former experience know of how tough a complexion this realm of England is to be assailed; and therefore, as rheums and fluxes of humours, is like to resort to that part which is weak and distempered.

And lastly, it is famous now, and so will be many ages hence, how by these two sea-journeys we have braved him, and objected him to scorn: so that no blood can be so frozen or mortified, but must needs take flames of revenge upon so mighty a disgrace.

So as this concurrence of occurrents, all since our last assembly, some to deliver and free our enemies, some to advance and bring him on his way, some to tempt and allure him, some to spur on and provoke him, cannot but threaten an increase of our peril in great proportion.

Lastly, Mr. Speaker, I will but reduce to the memory of this house one other argument, for ample and large providing and supplying treasure: and this it is:

I see men do with great alacrity and spirit proceed when they have obtained a course they long wished for and were restrained from. Myself can remember both in this honourable assembly, and in all other places of this realm, how forward and affectionate men were to have an invasive war. Then we would say, a

defensive war was like eating and consuming interest, and needs we would be adventurers and assailants; *Habes quod tota mente petisti:* shall we not now make it good? especially when we have tasted so prosperous fruit of our desires.

The first of these expeditions invasive was atchieved with great felicity, ravished a strong and famous port in the lap and bosom of their high countries; brought them to such despair as they fired themselves and their Indian fleet in sacrifice, as a good odour and incense unto God for the great and barbarous cruelties which they have committed upon the poor Indians, whither that fleet was sailing; disordered their reckonings so, as the next news we heard of was nothing but protesting of bills and breaking credit.

The second journey was with notable resolution borne up against weather and all difficulties; and besides the success in amusing him and putting him to infinite charge, sure I am it was like a Tartar's or Parthian's bow, which shooteth backward, and had a most strong and violent effect and operation both in France and Flanders; so that our neighbours and confederates have reaped the harvest of it; and while the life-blood of Spain went inward to the heart, the outward limbs and members trembled, and could not resist. And lastly, we have a perfect account of all the noble and good blood that was carried forth, and of all our sea-walls and good shipping, without mortality of persons, wreck of vessels, or any manner of diminution. And these have been the happy effects of our so long and so much desired invasive war.

To conclude, Mr. Speaker, therefore, I doubt not but every man will consent that our gift must bear these two marks and badges: the one, of the danger of the realm by so great a proportion, since the last parliament, increased; the other, of the satisfaction we receive in having obtained our so earnest and ardent desire of an invasive war.

A

PROCLAMATION

DRAWN

For his MAJESTY'S first coming in.

[PREPARED, BUT NOT USED.]

HAVING great cause, at this time, to be moved with diversity of affections, we do in first place condole with all our loving subjects of England, for the loss of their so virtuous and excellent queen; being a prince that we always found a dear sister, yea a mother to ourself in many her actions and advices. A prince, whom we hold and behold as an excellent pattern and example to imitate in many her royal virtues and parts of government; and a prince whose days we could have wished to have been prolonged; we reporting ourselves not only to the testimony of our royal heart, but to the judgment of all the world, whether there ever appeared in us any ambitious or impatient desire to prevent God's appointed time. Neither are we so partial to our own honour, but that we do in great part ascribe this our most peaceable and quiet entrance and coming to these our crowns, next under the blessing of almighty God, and our undoubted right, to the fruit of her majesty's peaceable and quiet government, accustoming the people to all loyalty and obedience. As for that which concerneth ourselves, we would have all our loving subjects know, that we do not take so much gladness and contentment in the devolving of these kingdoms, unto our royal person, for any addition or increase of glory, power, or riches, as in this, that it is so manifest an evidence unto us, especially the manner of it considered, that we stand, though unworthy, in God's favour, who hath put more means into our hands to reward our friends and ser-

vants, and to pardon and obliterate injuries, and to comfort and relieve the hearts and estates of our people and loving subjects, and chiefly to advance the holy religion and Church of almighty God, and to deserve well of the Christian commonwealth. And more especially we cannot but gratulate and rejoice in this one point, that it hath pleased God to make us the instrument, and, as it were, the corner-stone, to unite these two mighty and warlike nations of England and Scotland into one kingdom. For although these two nations are situate upon the continent of one island, and are undivided either by seas or mountains, or by diversity of language; and although our neighbour kingdoms of Spain and France have already had the happiness to be re-united in the several members of those kingdoms formerly disjoined: yet in this island it appeareth not in the records of any true history, no nor scarcely in the conceit of any fabulous narration or tradition, that this whole island of Great Britain was ever united under one sovereign prince before this day. Which as we cannot but take as a singular honour and favour of God unto ourselves; so we may conceive good hope that the kingdoms of Christendom standing distributed and counter-poised, as by this last union they now are, it will be a foundation of the universal peace of all Christian princes; and that now the strife that shall remain between them, shall be but an emulation who shall govern best, and most to the weal and good of his people.

Another great cause of our just rejoicing is, the assured hope that we conceive, that whereas our kingdom of Ireland hath been so long time torn and afflicted with the miseries of wars, the making and prosecuting of which wars hath cost such an infinite deal of blood and treasure of our realm of England to be spilt and consumed thereupon; we shall be able, through God's favour and assistance, to put a speedy and an honourable end to those wars. And it is our princely design and full purpose and resolution, not only to reduce that nation from their rebellion and revolt, but also to reclaim them from their barbarous manners to justice

and the fear of God; and to populate, plant, and make civil all the provinces in that kingdom: which also being an action that not any of our noble progenitors, kings of England, hath ever had the happiness throughly to prosecute and accomplish, we take so much to heart, as we are persuaded it is one of the chief causes, for the which God hath brought us to the imperial crown of these kingdoms.

Further, we cannot but take great comfort in the state and correspondence which we now stand in of peace and unity with all Christian princes, and otherwise, of quietness and obedience of our own people at home: whereby we shall not need to expose that our kingdom of England to any quarrel or war, but rather have occasion to preserve them in peace and tranquillity, and openness of trade with all foreign nations.

Lastly and principally, we cannot but take unspeakable comfort in the great and wonderful consent and unity, joy and alacrity, wherewith our loving subjects of our kingdom of England have received and acknowledged us their natural and lawful king and governor, according to our most clear and undoubted right, in so quiet and settled manner, as, if we had been long ago declared and established successor, and had taken all mens oaths and homages, greater and more perfect unity and readiness could not have been. For considering with ourselves, that notwithstanding difference of religion, or any other faction, and notwithstanding our absence so far off, and notwithstanding the sparing and reserved communicating of one another's minds; yet all our loving subjects met in one thought and voice, without any the least disturbance or interruption, yea, hesitation or doubtfulness, or any shew thereof; we cannot but acknowledge it is a great work of God, who hath an immediate and extraordinary direction in the disposing of kingdoms and flows of peoples hearts.

Wherefore, after our most humble and devout thanks to Almighty God, by whom kings reign, who hath established us king and governor of these kingdoms; we return our hearty and affectionate thanks unto the lords spiritual and temporal, the knights and

gentlemen, the cities and towns, and generally unto our commons, and all estates and degrees of that our kingdom of England, for their so acceptable first-fruits of their obedience and loyalties offered and performed in our absence; much commending the great wisdom, courage, and watchfulness used by the peers of that our kingdom, according to the nobility of their bloods and lineages, many of them mingled with the blood royal; and therefore in nature affectionate to their rightful king; and likewise of the counsellors of the late queen, according to their gravity and oath, and the spirit of their good mistress, now a glorious saint in heaven, in carrying and ordering our affairs with that fidelity, moderation, and consent, which in them hath well appeared: and also the great readiness, concord, and cheerfulness in the principal knights and gentlemen of several counties, with the head officers of great cities, corporations, and towns: and do take knowledge by name of the readiness and good zeal of that our chiefest and most famous city, the city of London, the chamber of that our kingdom: assuring them, that we will be unto that city, by all means of confirming and increasing their happy and wealthy estate, not only a just and gracious sovereign lord and king, but a special and bountiful patron and benefactor.

And we on our part, as well in remuneration of all their loyal and loving affections, as in discharge of our princely office, do promise and assure them, that as all manner of estates have concurred and consented in their duty and zeal towards us, so it shall be our continual care and resolution to preserve and maintain every several estate in a happy and flourishing condition, without confusion or over-growing of any one to the prejudice, discontentment, or discouragement of the rest: and generally in all estates we hope God will strengthen and assist us, not only to extirpate all gross and notorious abuses, and corruptions, of simonies, briberies, extortions, exactions, oppressions, vexations, burthensome payments, and over-charges, and the like; but further to extend our princely care to the supply of the very neglects and omissions of

thing that may tend to the good of our people. that every place and service that is fit for the our or good of the commonwealth shall be filled, no man's virtue left idle, unimployed, or unre-ded; and every good ordinance and constitution, he amendment of the estate and times, be revived put in execution.

n the mean time, minding by God's leave, all de-set apart, to comfort and secure our loving sub-s in our kingdom of England by our personal pre-e there, we require all our loving subjects joyfully xpect the same: and yet so, as we signify our will pleasure to be, that all such ceremonies and pre-ttions as shall be made and used to do us honour, o express gratulation, be rather comely and or-y, than sumptuous and glorious; and for the ex-sing of magnificence, that it be rather employed bestowed upon the funeral of the late queen, to se memory, we are of opinion, too much honour not be done or performed.

A

DRAUGHT

OF A

PROCLAMATION

TOUCHING

HIS MAJESTY'S STILE.

2do JACOBI. [PREPARED, NOT USED.]

As it is a manifest token, or rather a substantial effect, of the wrath and indignation of God, when kingdoms are rent and divided, which have formerly been entire and united under one monarch and governor; so, on the contrary part, when it shall please the Almighty, by whom kings reign as his deputies and lieutenants, to enlarge his commissions of empire and sovereignty, and to commit those nations to one king to govern, which he hath formerly committed to several kings, it is an evident argument of his great favour both upon king and upon people; upon the king, inasmuch as he may with comfort conceive that he is one of those servants to whom it was said, *Thou hast been faithful in the less, I will make thee lord of more;* upon the people, because the greatness of kingdoms and dominions, especially not being scattered, but adjacent and compact, doth ever bring with it greater security from outward enemies, and greater freedom from inward burdens, unto both which people under petty and weak estates are more exposed; which so happy fruit of the union of kingdoms is chiefly to be understood, when such conjunction or augmentation is not wrought by conquest and violence, or by pact and submission, but by the law of nature and hereditary descent. For in conquest it is commonly seen, although the bulk and quantity of territory be increased, yet the strength of kingdoms is diminished, as well by the wasting of the forces of both parts in the conflict, as

by the evil coherence of the nation conquering and conquered, the one being apt to be insolent, and the other discontent; and so both full of jealousies and discord. And where countries are annexed only by act of estates and submissions, such submissions are commonly grounded upon fear, which is no good author of continuance, besides the quarrels and revolts which do ensue upon conditional and articulate subjections: but when the lines of two kingdoms do meet in the person of one monarch, as in a true point or perfect angle; and that from marriage, which is the first conjunction in human society, there shall proceed one inheritor in blood to several kingdoms, whereby they are actually united and incorporate under one head; it is the work of God and nature, whereunto the works of force and policy cannot attain; and it is that which hath not in itself any manner of seeds of discord or disunion, other than such as envy and malignity shall sow, and which groundeth an union, not only indissoluble, but also most comfortable and happy amongst the people.

We therefore in all humbleness acknowledge, that it is the great and blessed work of Almighty God, that these two ancient and mighty realms of England and Scotland, which by nature have no true but an imaginary separation, being both situate and comprehended in one most famous and renowned island of Great-Britany, compassed by the ocean, without any mountains, seas, or other boundaries of nature, to make any partition, wall, or trench, between them, and being also exempted from the first curse of disunion, which was the confusion of tongues, and being people of a like constitution of mind and body, especially in warlike prowess and disposition: and yet nevertheless have in so many ages been disjoined under several kings and governors, are now at the last, by right inherent in the commixture of our blood, united in our person and generation; wherein it hath pleased God to anoint us with the oil of gladness and gratulation above our progenitors, kings of either nation. Neither can we sufficiently contemplate and behold the passages, de-

grees, and insinuations, whereby it hath pleased the eternal God, to whom all his works are from the beginning known and present, to open and prepare a way to this excellent work; having first ordained that both nations should be knit in one true and reformed religion, which is the perfectest band of all unity and union; and secondly, that there should precede so long a peace continued between the nations for so many years last past, whereby all seeds and sparks of ancient discord have been laid asleep, and grown to an obliteration and oblivion; and lastly, that ourselves, in the true measure of our affections, should have so just cause to embrace both nations with equal and indifferent love and inclination, inasmuch as our birth and the passing of the first part of our age hath been in the one nation, and our principal seat and mansion, and the passing of the latter part of our days is like to be in the other. Which our equal and upright holding of the balance between both nations, being the highest point of all others in our distributive justice, we give the world to know, that we are constantly resolved to preserve inviolate against all emulations and partialities, not making any difference at all between the subjects of either nation, in affection, honours, favours, gifts, employments, confidences, or the like; but only such as the true distinctions of the persons, being capable or not capable, fit or not fit, acquainted with affairs or not acquainted with affairs, needing our princely bounty or not needing the same, approved to us by our experience or not approved, meriting or not meriting, and the several degrees of these and the like conditions, shall in right reason tie us unto, without any manner of regard to the country in itself; to the end that they may well perceive, that in our mind and apprehension they are all one and the same nation: and that our heart is truly placed in the centre of government, from whence all lines to the circumference are equal and of one space and distance.

But for the further advancing and perfecting of this work, we have taken into our princely care and cogitations, what it is that may appertain to our own im-

perial power, right, and authority: and what requireth votes and assents of our parliaments or estates; and again, what may presently be done, and what must be left to further time, that our proceeding may be void of all inconvenience and informality; wherein by the example of Almighty God, who is accustomed to begin all his great works and designments by alterations or impositions of names, as the fittest means to imprint in the hearts of people a character and expectation of that which is to follow; we have thought good to withdraw and discontinue the divided names of England and Scotland out of our regal stile and title, and to use in place of them the common and contracted name of Great Britany: not upon any vain-glory, whereof, we persuade ourselves, our actions do sufficiently free us in the judgment of all the world; and if any such humour should reign in us, it were better satisfied by length of stile and enumeration of kingdoms: but only as a fit signification of that which is already done, and a significant prefiguration of that which we further intend. For as in giving names to natural persons, it is used to impose them in infancy, and not to stay till fulness of growth; so it seemed to us not unseasonable to bring in further use this name at the first, and to proceed to the more substantial points of the union after, as fast and as far as the common good of both the realms should permit, especially considering the name of Britany was no coined, or new-devised, or affected name at pleasure, but the true and ancient name which God and time hath imposed, extant, and received in histories, in cards, and in ordinary speech and writing, where the whole island is meant to be denominate; so as it is not accompanied with so much as any strangeness in common speech. And although we never doubted, neither ever heard that any other presumed to doubt, but that the form and tenor of our regal stile and title, and the delineation of the same, did only and wholly of mere right appertain to our supreme and absolute prerogative to express the same in such words or sort, as seemed good to our royal pleasure: yet because we were to have the advice and

assent of our parliament concerning other points of the union, we were pleased our said parliament should, amongst the rest, take also the same into their consideration. But finding by the grave opinion of our judges, who are the interpreters of our laws, that, in case that alteration of stile, which seemed to us but verbal, should be established and enacted by parliament, it might involve, by implication and consequence, not only a more present alteration, but also a further innovation than we any ways intended; or at least might be subject to some colourable scruple of such a perilous construction: we rested well satisfied to respite the same, as to require it by act of parliament. But being still resolved and fixed that it may conduce towards this happy end of the better uniting of the nations, we have thought good by the advice of our council to take the same upon us by our proclamation, being a course safe and free from any of the perils or scruples aforesaid. And therefore we do by these presents publish, proclaim, and assume to ourselves from henceforth, according to our undoubted right, the stile and title of King of Great Britany, France, and Ireland, and otherwise as followeth in our stile formerly used. And we do hereby straitly charge and command our chancellor, and all such as have the custody of any of our seals; and all other our officers and subjects whatsoever, to whom it may in any wise appertain, that from henceforth in all commissions, patents, writs, processes, grants, records, instruments, impressions, sermons, and all other writings and speeches whatsoever, wherein our stile is used to be set forth or recited, that our said stile, as is before by these presents declared and prescribed, be only used, and no other. And because we do but now declare that which in truth was before, our will and pleasure is, that in the computation of our reign, as to all writings or instruments hereafter to be made, the same computation be taken and made, as if we had taken upon us the stile aforesaid immediately after the decease of our late dear sister. And we do notify to all our subjects, that if any person, of what degree or condition soever he be,

shall impugn our said stile, or derogate and detract from the same by any arguments, speeches, words, or otherwise; we shall proceed against him, as against an offender against our crown and dignity, and a disturber of the quiet and peace of our kingdom, according to the utmost severity of our laws in that behalf. Nevertheless, our meaning is not, that where in any writ, pleading, or other record, writing, instrument of speech, it hath been used for mention to be made of England or the realm of England, or any other word or words derived from the same, and not of our whole and entire stile and title; that therein any alteration at all be used by pretext of this our proclamation, which we intend to take place only where our whole stile shall be recited, and not otherwise; and in the other cases the ancient form to be used and observed.

A

SPEECH

MADE BY

Sir FRANCIS BACON, Knight,

CHOSEN BY THE COMMONS TO PRESENT

A PETITION TOUCHING PURVEYORS.

Delivered to his Majesty in the Withdrawing-chamber at Whitehall, in the Parliament held primo et secundo Jacobi, the first Session.

It is well known to your majesty, excellent king, that the emperors of Rome, for their better glory and ornament, did use in their titles the additions of the countries and nations where they had obtained victories; as *Germanicus*, *Britannicus*, and the like. But after all those names, as in the higher place, followed the name of *Pater Patriæ*, as the greatest name of all human honour immediately preceding that name of Augustus; whereby they took themselves to express some affinity that they had, in respect of their office, with divine honour. Your majesty might, with good reason, assume to yourself many of those other names; as *Germanicus*, *Saxonicus*, *Britannicus*, *Francicus*, *Danicus*, *Gothicus*, and others, as appertaining to you not by bloodshed, as they bare them, but by blood; your majesty's royal person being a noble confluence of streams and veins wherein the royal blood of many kingdoms of Europe are met and united. But no name is more worthy of you, nor may more truly be ascribed unto you, than that name of father of your people, which you bear and express not in the formality of your stile, but in the real course of your government.

We ought not to say unto you as was said to Julius Cæsar, *Quæ miremur, habemus; quæ laudemus, exspectamus:* that we have already wherefore to admire you, and that now we expect somewhat for which to commend you; for we may, without suspicion of flattery, acknowledge, that we have found in your majesty great cause, both of admiration and commendation. For great is the admiration, wherewith you have possessed us since this parliament began in those two causes wherein we have had access unto you, and heard your voice, that of the return of Sir Francis Goodwin, and that of the union; whereby it seemeth unto us, the one of these being so subtle a question of law; and the other so high a cause of estate, that as the Scripture saith of the wisest king, *that his heart was as the sands of the sea;* which though it be one of the largest and vastest bodies, yet it consisteth of the smallest motes and portions; so, I say, it appeareth unto us in these two examples, that God hath given your majesty a rare sufficiency, both to compass and fathom the greatest matters, and to discern the least. And for matter of praise and commendation, which chiefly belongeth to goodness, we cannot but with great thankfulness profess, that your majesty, within the circle of one year of your reign, *infra orbem anni vertentis,* hath endeavoured to unite your Church, which was divided; to supply your nobility, which was diminished; and to ease your people in cases where they were burdened and oppressed.

In the last of these your high merits, that is, the ease and comfort of your people, doth fall out to be comprehended the message which I now bring unto your majesty, concerning the great grievance arising by the manifold abuses of purveyors, differing in some degree from most of the things wherein we deal and consult; for it is true, that the knights, citizens, and burgesses, in parliament assembled, are a representative body of your Commons and third estate; and in many matters, although we apply ourselves to perform the trust of those that chose us, yet it may be, we do speak much out of our own senses and discourses.

But in this grievance, being of that nature whereunto the poor people is most exposed, and men of quality less, we shall most humbly desire your majesty to conceive, that your majesty doth not hear our opinions or senses, but the very groans and complaints themselves of your Commons more truly and vively, than by representation. For there is no grievance in your kingdom so general, so continual, so sensible, and so bitter unto the common subject, as this whereof we now speak; wherein it may please your majesty to vouchsafe me leave, first, to set forth unto you the dutiful and respective carriage of our proceeding; next, the substance of our petition; and thirdly, some reasons and motives which in all humbleness we do offer to your majesty's royal consideration or commiseration; we assuring ourselves that never king reigned that had better notions of head, and motions of heart, for the good and comfort of his loving subjects.

For the first: in the course of remedy which we desire, we pretend not, nor intend not, in any sort, to derogate from your majesty's prerogative, nor to touch, diminish, or question any of your majesty's regalities or rights. For we seek nothing but the reformation of abuses, and the execution of former laws whereunto we are born. And although it be no strange thing in parliament for new abuses to crave new remedies, yet nevertheless in these abuses, which if not in nature, yet in extremity and height of them, are most of them new, we content ourselves with the old laws: only we desire a confirmation and quickening of them in their execution; so far are we from any humour of innovation or encroachment.

As to the court of the green-cloth, ordained for the provision of your majesty's most honourable household, we hold it ancient, we hold it reverend. Other courts respect your politic person, but that respects your natural person. But yet, notwithstanding, most excellent king, to use that freedom which to subjects that pour out their griefs before so gracious a king, is allowable, we may very well alledge unto your majesty, a com-

parison or similitude used by one of the fathers* in another matter, and not unfitly representing our case in this point: and it is of the leaves and roots of nettles; the leaves are venomous and stinging where they touch; the root is not so, but is without venom or malignity; and yet it is that root that bears and supports all the leaves. This needs no farther application.

To come now to the substance of our petition. It is no other, than by the benefit of your majesty's laws to be relieved of the abuses of purveyors; which abuses do naturally divide themselves into three sorts: the first, they take in kind that they ought not to take; the second, they take in quantity a far greater proportion than cometh to your majesty's use; the third, they take in an unlawful manner, in a manner, I say, directly and expressly prohibited by divers laws.

For the first of these, I am a little to alter their name; for instead of takers, they become taxers; instead of taking provision for your majesty's service, they tax your people *ad redimendam vexationem:* imposing upon them, and extorting from them, divers sums of money, sometimes in gross, sometimes in the nature of stipends annually paid, *ne noceant,* to be freed and eased of their oppression. Again, they take trees, which by law they cannot do; timber-trees, which are the beauty, countenance, and shelter of mens houses; that men have long spared from their own purse and profit; that men esteem, for their use and delight, above ten times the value; that are a loss which men cannot repair or recover. These do they take, to the defacing and spoiling of your subjects mansions and dwellings, except they may be compounded with to their own appetites. And if a gentleman be too hard for them while he is at home, they will watch their time when there is but a bailiff or a servant remaining, and put the ax to the root of the tree, ere ever the master can stop it. Again, they use a strange and most unjust exaction, in causing the subjects to pay poundage of their own debts, due from

* St. Augustine.

your majesty unto them; so as a poor man, when he hath had his hay, or his wood, or his poultry, which perchance he was full loth to part with, and had for the provision of his own family, and not to put to sale, taken from him, and that not at a just price, but under the value, and cometh to receive his money, he shall have after the rate of twelve pence in the pound abated for poundage of his due payment, upon so hard conditions. Nay farther, they are grown to that extremity, as is affirmed, though it be scarce credible, save that in such persons all things are credible, that they will take double poundage, once when the debenture is made, and again the second time when the money is paid.

For the second point, most gracious sovereign, touching the quantity which they take, far above that which is answered to your majesty's use: they are the only multipliers in the world; they have the art of multiplication. For it is affirmed unto me by divers gentlemen of good report, and experience in these causes, as a matter which I may safely avouch before your majesty, to whom we owe all truth, as well of information as subjection, that there is no pound profit which redoundeth to your majesty in this course, but induceth and begetteth three pound damage upon your subjects, besides the discontentment. And to the end they may make their spoil more securely, what do they? Whereas divers statutes do strictly provide, that whatsoever they take, shall be registered and attested, to the end, that by making a collation of that which is taken from the country, and that which is answered above, their deceits might appear; they, to the end to obscure their deceits, utterly omit the observation of this, which the law prescribeth.

And therefore to descend, if it may please your majesty, to the third sort of abuse, which is of the unlawful manner of their taking, whereof this omission is a branch; and it is so manifold, as it rather asketh an enumeration of some of the particulars, than a prosecution of all. For their price: by law they ought to take as they can agree with the subject; by abuse

take at an imposed and enforced price: by law
ought to make but one apprisement by neigh-
in the country; by abuse they make a second
sement at the court-gate; and when the subject's
come up many miles lean, and out of plight, by
n of their great travel, then they prize them
at an abated price: by law they ought to take
een sun and sun; by abuse they take by twilight,
in the night-time, a time well chosen for malefac-
by law they ought not to take in the highways,
ce by your majesty's high prerogative protected,
by statute by special words excepted, by abuse
take in the ways, in contempt of your majesty's
gative and laws: by law they ought to shew
commission, and the form of commission is by
set down; the commissions they bring down, are
nst the law, and because they know so much, they
not shew them. A number of other particulars
are, whereof as I have given your majesty a
, so the chief of them upon deliberate advice are
lown in writing by the labour of some committees,
approbation of the whole house, more particularly
lively than I can express them, myself having
at the second hand by reason of my abode above.
this writing is a collection of theirs who dwell
ngst the abuses of these offenders, and the com-
ts of the people; and therefore must needs have
re perfect understanding of all the circumstances
em.

remaineth only that I use a few words, the rather
ove your majesty in this cause: a few words, I
a very few; for neither need so great enormities
aggravating, neither needeth so great grace, as
h of itself to flow from your majesty's princely
lness, any artificial persuading. There be two
gs only which I think good to set before your ma-
y; the one the example of your most noble pro-
itors kings of this realm, who from the first king
endowed this kingdom with the great charters of
r liberties, until the last, all save one, who as he
singular in many excellent things, so I would he

had not been alone in this, have ordained, every one of them in their several reigns, some laws or law against this kind of offenders; and especially the example of one of them, that king, who for his greatness, wisdom, glory, and union of several kingdoms, resembleth your majesty most, both in virtue and fortune, King Edward III. who, in his time only, made ten several laws against this mischief. The second is the example of God himself; who hath said and pronounced, *That he will not hold him guiltless that taketh his name in vain.* For all these great misdemeanors are committed in and under your majesty's name: and therefore we hope your majesty will hold them twice guilty that commit these offences; once for the oppressing of the people, and once more for doing it under the colour and abuse of your majesty's most dreaded and beloved name. So then I will conclude with the saying of Pindarus, *Optima res aqua;* not for the excellency, but for the common use of it; and so contrariwise the matter of abuse of purveyance, if it be not the most heinous abuse, yet certainly it is the most common and general abuse of all others in this kingdom.

It resteth, that, according to the command laid upon me, I do in all humbleness present this writing to your majesty's royal hands, with most humble petition on the behalf of the Commons, that as your majesty hath been pleased to vouchsafe your gracious audience to hear me speak, so you would be pleased to enlarge your patience to hear this writing read, which is more material.

A BRIEF DISCOURSE OF THE HAPPY UNION OF THE KINGDOMS OF ENGLAND AND SCOTLAND.

*Dedicated in private to his Majesty.**

I DO not find it strange, excellent king, that when Heraclitus, he that was surnamed the obscure, had set forth a certain book which is not now extant, many men took it for a discourse of nature, and many others took it for a treatise of policy. For there is a great affinity and consent between the rules of nature, and the true rules of policy: the one being nothing else but an order in the government of the world; and the other an order in the government of an estate. And therefore the education and erudition of the kings of Persia was in a science which was termed by a name then of great reverence, but now degenerate and taken in the ill part. For the Persian magic, which was the secret literature of their kings, was an application of the contemplations and observations of nature unto a sense politic; taking the fundamental laws of nature, and the branches and passages of them, as an original or first model, whence to take and describe a copy and imitation for government.

After this manner the foresaid instructors set before their kings the examples of the celestial bodies, the sun, the moon, and the rest, which have great glory and veneration, but no rest or intermission; being in a perpetual office of motion, for the cherishing, in turn and in course, of inferior bodies: expressing likewise the true manner of the motions of government, which though they ought to be swift and rapid in respect of

* Printed in 1603, in 12mo.

dispatch and occasions, yet are they to be constant and regular, without wavering or confusion.

So did they represent unto them how the heavens do not enrich themselves by the earth and the seas, nor keep no dead stock, nor untouched treasures of that they draw to them from below; but whatsoever moisture they do levy and take from both elements in vapours, they do spend and turn back again in showers, only holding and storing them up for a time, to the end to issue and distribute them in season.

But chiefly, they did express and expound unto them that fundamental law of nature, whereby all things do subsist and are preserved; which is, that every thing in nature, although it hath its private and particular affection and appetite, and doth follow and pursue the same in small moments, and when it is free and delivered from more general and common respects; yet, nevertheless, when there is question or case for sustaining of the more general, they forsake their own particularities, and attend and conspire to uphold the public.

So we see the iron in small quantity will ascend and approach to the loadstone upon a particular sympathy: but if it be any quantity of moment, it leaveth its appetite of amity to the loadstone, and, like a good patriot, falleth to the earth, which is the place and region of massy bodies.

So again the water and other like bodies do fall towards the centre of the earth, which is, as was said, their region or country: and yet we see nothing more usual in all water-works and engines, than that the water, rather than to suffer any distraction or disunion in nature, will ascend, forsaking the love to its own region or country, and applying itself to the body next adjoining.

But it were too long a digression to proceed to more examples of this kind. Your majesty yourself did fall upon a passage of this nature in your gracious speech of thanks unto your council, when acknowledging princely their vigilances and well-deservings, it pleased you to note, that it was a success and event above the course of nature, to have so great change with so

great a quiet: forasmuch as sudden mutations, as well in state as in nature, are rarely without violence and perturbation: so as still I conclude there is, as was said, a congruity between the principles of nature and policy. And lest that instance may seem to oppone to this assertion, I may even in that particular, with your majesty's favour, offer unto you a type or pattern in nature, much resembling this event in your state; namely, earthquakes, which many of them bring ever much terror and wonder, but no actual hurt; the earth trembling for a moment, and suddenly stablishing in perfect quiet as it was before.

This knowledge then of making the government of the world a mirror for the government of a state, being a wisdom almost lost, whereof the reason I take to be because of the difficulty for one man to embrace both philosophies, I have thought good to make some proof, as far as my weakness and the straits of time will suffer, to revive in the handling of one particular, wherewith now I most humbly present your majesty: for surely, as hath been said, it is a form of discourse anciently used towards kings; and to what king should it be more proper than to a king that is studious to conjoin contemplative virtue and active virtue together?

Your majesty is the first king that had the honour to be *lapis angularis*, to unite these two mighty and warlike nations of England and Scotland under one sovereignty and monarchy. It doth not appear by the records and memoirs of any true history, or scarcely by the fiction and pleasure of any fabulous narration or tradition, that ever, of any antiquity, this island of Great Britain was united under one king before this day. And yet there be no mountains nor races of hills, there be no seas or great rivers, there is no diversity of tongue or language that hath invited or provoked this ancient separation or divorce. The lot of Spain was to have the several kingdoms of that continent, Portugal only excepted, to be united in an age not long past; and now in our age that of Portugal also, which was the last that held out, to be incorporate with the rest. The lot of France hath been, much

about the same time, likewise, to have re-annexed unto that crown the several dutchies and portions which were in former times dismembered. The lot of this island is the last reserved for your majesty's happy times, by the special providence and favour of God, who hath brought your majesty to this happy conjunction with the great consent of hearts, and in the strength of your years, and in the maturity of your experience. It resteth but that, as I promised, I set before your majesty's princely consideration, the grounds of nature touching the union and commixture of bodies, and the correspondence which they have with the grounds of policy in the conjunction of states and kingdoms.

First, therefore, that position, *Vis unita fortior*, being one of the common notions of the mind, needeth not much to be induced or illustrated.

We see the sun when he entereth, and while he continueth under the sign of Leo, causeth more vehement heats than when he is in Cancer, what time his beams are nevertheless more perpendicular. The reason whereof, in great part, hath been truly ascribed to the conjunction and corradiation, in that place of heaven, of the sun with the four stars of the first magnitude, Sirius, Canicula, Cor Leonis, and Cauda Leonis.

So the moon likewise, by ancient tradition, while she is in the same sign of Leo, is said to be at the heart, which is not for any affinity which that place of heaven can have with that part of man's body, but only because the moon is then, by reason of the conjunction and nearness with the stars aforenamed, in greatest strength of influence, and so worketh upon that part in inferior bodies, which is most vital and principal.

So we see waters and liquors, in small quantity, do easily putrify and corrupt; but in large quantity subsist long, by reason of the strength they receive by union.

So in earthquakes, the more general do little hurt, by reason of the united weight which they offer to subvert; but narrow and particular earthquakes have many times overturned whole towns and cities.

So then this point touching the force of union is evident: and therefore it is more fit to speak of the

manner of union; wherein again it will not be pertinent to handle one kind of union, which is union by victory, when one body doth merely subdue another, and converteth the same into its own nature, extinguishing and expulsing what part soever of it it cannot overcome. As when the fire converteth the wood into fire, purging away the smoke and the ashes as unapt matter to inflame: or when the body of a living creature doth convert and assimilate food and nourishment, purging and expelling whatsoever it cannot convert. For these representations do answer in matter of policy to union of countries by conquest, where the conquering state doth extinguish, extirpate, and expulse any part of the state conquered, which it findeth so contrary as it cannot alter and convert it. And therefore, leaving violent unions, we will consider only of natural unions.

The difference is excellent which the best observers in nature do take between *compositio* and *mistio*, putting together, and mingling: the one being but a conjunction of bodies in place, the other in quality and consent: the one the mother of sedition and alteration, the other of peace and continuance: the one rather a confusion than an union, the other properly an union. Therefore we see those bodies, which they call *imperfecte mista*, last not, but are speedily dissolved. For take, for example, snow or froth, which are compositions of air and water, and in them you may behold how easily they sever and dissolve, the water closing together and excluding the air.

So those three bodies which the alchemists do so much celebrate as the three principles of things; that is to say, earth, water, and oil, which it pleaseth them to term salt, mercury, and sulphur, we see, if they be united only by composition or putting together, how weakly and rudely they do incorporate: for water and earth make but an imperfect slime; and if they be forced together by agitation, yet upon a little settling, the earth resideth in the bottom. So water and oil, though by agitation it be brought into an ointment, yet after a little settling the oil will float on the top. So as such imperfect mixtures continue no longer than

they are forced; and still in the end the worthiest getteth above.

But otherwise it is of perfect mixtures. For we see these three bodies, of earth, water, and oil, when they are joined in a vegetable or mineral, they are so united, as without great subtlety of art and force of extraction, they cannot be separated and reduced into the same simple bodies again. So as the difference between *compositio* and *mistio* clearly set down is this; that *compositio* is the joining or putting together of bodies without a new form: and *mistio* is the joining or putting together of bodies under a new form: for the new form is *commune vinculum*, and without that the old forms will be at strife and discord.

Now to reflect this light of nature upon matter of estate; there hath been put in practice in government these two several kinds of policy in uniting and conjoining of states and kingdoms; the one to retain the ancient form still severed, and only conjoined in sovereignty; the other to superinduce a new form agreeable and convenient to the entire estate. The former of these hath been more usual, and is more easy; but the latter is more happy. For if a man do attentively revolve histories of all nations, and judge truly thereupon, he will make this conclusion, that there was never any states that were good commixtures but the Romans; which because it was the best state of the world, and is the best example of this point, we will chiefly insist thereupon.

In the antiquities of Rome, Virgil bringeth in Jupiter by way of oracle or prediction speaking of the mixture of the Trojans and the Italians:

Sermonem Ausonii patrium moresque tenebunt:
Utque est, nomen erit: commixti corpore tantum
Subsident Teucri; morem ritusque sacrorum
Adjiciam: faciamque omnes uno ore Latinos.
Hinc genus, Ausonio mixtum quod sanguine surget,
Supra homines, supra ire Deos pietate videbis.
Æn. xii. 834.

Wherein Jupiter maketh a kind of partition or distribution: that Italy should give the language and the

laws; Troy should give a mixture of men, and some religious rites; and both people should meet in one name of Latins.

Soon after the foundation of the city of Rome, the people of the Romans and the Sabines mingled upon equal terms: wherein the interchange went so even, that, as Livy noteth, the one nation gave the name to the place, the other to the people. For Rome continued the name, but the people were called Quirites, which was the Sabine word, derived of Cures the country of Tatius.

But that which is chiefly to be noted in the whole continuance of the Roman government; they were so liberal of their naturalizations, as in effect they made perpetual mixtures. For the manner was to grant the same, not only to particular persons, but to families and lineages; and not only so, but to whole cities and countries. So as in the end it came to that, that Rome was *communis patria*, as some of the civilians call it.

So we read of St. Paul, after he had been beaten with rods, and thereupon charged the officer with the violation of the privilege of a citizen of Rome; the captain said to him, *Art thou then a Roman? That privilege hath cost me dear.* To whom St. Paul replied, *But I was so born;* and yet, in another place, St. Paul professeth himself, that he was a Jew by tribe: so as it is manifest that some of his ancestors were naturalized; and so it was conveyed to him and their other descendents.

So we read, that it was one of the first despites that was done to Julius Cæsar, that whereas he had obtained naturalization for a city in Gaul, one of the city was beaten with rods of the consul Marcellus.

So we read in Tacitus, that in the emperor Claudius's time, the nation of Gaul, that part which is called Comata, the wilder part, were suitors to be made capable of the honour of being senators and officers of Rome. His words are these; *Cum de supplendo senatu agitaretur, primoresque Galliæ, quæ Comata appellatur, fœdera, et civitatem Romanam pridem assecuti, jus adipiscendorum in urbe* honorum

expeterent; multus ea super re variusque rumor, et studiis diversis, apud principem certabatur. And in the end, after long debate, it was ruled they should be admitted.

So likewise, the authority of Nicholas Machiavel seemeth not to be contemned; who enquiring the causes of the growth of the Roman empire, doth give judgment; there was not one greater than this, that the state did so easily compound and incorporate with strangers.

It is true, that most estates and kingdoms have taken the other course: of which this effect hath followed, that the addition of further empire and territory hath been rather matter of burden, than matter of strength unto them: yea, and farther it hath kept alive the seeds and roots of revolts and rebellions for many ages; as we may see in a fresh and notable example of the kingdom of Arragon: which, though it were united to Castile by marriage, and not by conquest; and so descended in hereditary union by the space of more than an hundred years; yet because it was continued in a divided government, and not well incorporated and cemented with the other crowns, entered into a rebellion upon point of their *fueros*, or liberties, now of very late years.

Now to speak briefly of the several parts of that form, whereby states and kingdoms are perfectly united, they are, besides the sovereignty itself, four in number; union in name, union in language, union in laws, union in employments.

For name, though it seem but a superficial and outward matter, yet it carrieth much impression and enchantment: the general and common name of Græcia made the Greeks always apt to unite, though otherwise full of divisions amongst themselves, against other nations whom they called barbarous. The Helvetian name is no small band to knit together their leagues and confederacies the faster. The common name of Spain, no doubt, hath been a special means of the better union and conglutination of the several kingdoms of Castile, Arragon, Granada, Navarre, Valentia, Catalonia, and the rest, comprehending also now lately Portugal.

For language, it is not needful to insist upon it; because both your majesty's kingdoms are of one language, though of several dialects; and the difference is so small between them, as promiseth rather an inriching of one language than a continuance of two.

For laws, which are the principal sinews of government, they be of three natures; *jura*, which I will term freedoms or abilities, *leges*, and *mores*.

For abilities and freedoms, they were amongst the Romans of four kinds, or rather degrees. *Jus connubii, jus civitatis, jus suffragii*, and *jus petitionis* or *honorum*. *Jus connubii* is a thing in these times out of use: for marriage is open between all diversities of nations. *Jus civitatis* answereth to that we call denization or naturalization. *Jus suffragii* answereth to the voice in parliament. *Jus petitionis* answereth to place in council or office. And the Romans did many times sever these freedoms; granting *Jus connubii, sine civitate*, and *civitatem, sine suffragio*, and *suffragium, sine jure petitionis*, which was commonly with them the last.

For those we called *leges*, it is a matter of curiosity and inconveniency, to seek either to extirpate all particular customs, or to draw all subjects to one place or resort of judicature and session. It sufficeth there be an uniformity in the principal and fundamental laws, both ecclesiastical and civil: for in this point the rule holdeth which was pronounced by an ancient father, touching the diversity of rites in the Church; for finding the vesture of the queen in the psalm, which did prefigure the Church, was of divers colours; and finding again that Christ's coat was without a seam, he concluded well, *in veste varietas sit, scissura non sit*.

For manners: a consent in them is to be sought industriously, but not to be enforced: for nothing amongst people breedeth so much pertinacy in holding their customs, as sudden and violent offer to remove them.

And as for employments, it is no more, but an indifferent hand, and execution of that verse:

Tros, Tyriusque mihi nullo discrimine agetur.

There remaineth only to remember out of the grounds of nature the two conditions of perfect mixture; whereof the former is time: for the natural philosophers say well, that *compositio* is *opus hominis*, and *mistio opus naturæ*. For it is the duty of man to make a fit application of bodies together: but the perfect fermentation and incorporation of them must be left to time and nature; and unnatural hasting thereof doth disturb the work, and not dispatch it.

So we see, after the graft is put into the stock and bound, it must be left to time and nature to make that *continuum*, which at the first was but *contiguum*. And it is not any continual pressing or thrusting together that will prevent nature's season, but rather hinder it. And so in liquors, those commixtures which are at the first troubled, grow after clear and settled by the benefit of rest and time.

The second condition is, that the greater draw the less. So we see when two lights do meet, the greater doth darken and dim the less. And when a smaller river runneth into a greater, it loseth both its name and stream. And hereof, to conclude, we see an excellent example in the kingdoms of Judah and Israel. The kingdom of Judah contained two tribes; the kingdom of Israel contained ten. King David reigned over Judah for certain years; and, after the death of Ishbosheth, the son of Saul, obtained likewise the kingdom of Israel. This union continued in him, and likewise in his son Solomon, by the space of seventy years, at least, between them both: but yet, because the seat of the kingdom was kept still in Judah, and so the less sought to draw the greater: upon the first occasion offered, the kingdoms brake again, and so continued ever after.

Thus having in all humbleness made oblation to your majesty of these simple fruits of my devotion and studies, I do wish, and do wish it not in the nature of an impossibility, to my apprehension, that this happy union of your majesty's two kingdoms of England and Scotland, may be in as good an hour, and under the like divine providence, as that was between the Romans and the Sabines.

CERTAIN

ARTICLES OR CONSIDERATIONS

TOUCHING THE

NION OF THE KINGDOMS

OF

ENGLAND AND SCOTLAND.

LLECTED AND DISPERSED FOR HIS MAJESTY'S BETTER SERVICE.

OUR majesty, being, I doubt not, directed and con-
cted by a better oracle than that which was given
light to Æneas in his peregrination, *Antiquam*
quirite matrem, hath a royal, and indeed an heroical
sire to reduce these two kingdoms of England and
otland into the unity of their ancient mother king-
m of Britain. Wherein as I would gladly applaud
to your majesty, or sing aloud that hymn or anthem,
c itur ad astra; so in a more soft and submissive
ice, I must necessarily remember unto your majesty
at warning or caveat, *Ardua quæ pulchra*: it is an
tion that requireth, yea, and needeth much, not only
your majesty's wisdom, but of your felicity. In
is argument I presumed at your majesty's first en-
nce to write a few lines, indeed scholastically and
eculatively, and not actively or politicly, as I held it
for me at that time; when neither your majesty was
that your desire declared, nor myself in that service
ed or trusted. But now that both your majesty hath
ened your desire and purpose with much admiration,
en of those who give it not so full an approbation,
d that myself was by the Commons graced with the
st vote of all the Commons selected for that cause;
t in any estimation of my ability, for therein so wise
assembly could not be so much deceived, but in an
knowledgment of my extreme labours and integrity;

in that business I thought myself every way bound, both in duty to your majesty, and in trust to that house of parliament, and in consent to the matter itself, and in conformity to mine own travels and beginnings, not to neglect any pains that may tend to the furtherance of so excellent a work; wherein I will endeavour that that which I shall set down be *nihil minus quam verba:* for length and ornament of speech are to be used for persuasion of multitudes, and not for information of kings; especially such a king as is the only instance that ever I knew to make a man of Plato's opinion, "that all knowledge is but remembrance, and that "the mind of man knoweth all things, and demandeth "only to have her own notions excited and awaked:" which your majesty's rare and indeed singular gift and faculty of swift apprehension, and infinite expansion or multiplication of another man's knowledge by your own, as I have often observed, so I did extremely admire in Goodwin's cause, being a matter full of secrets and mysteries of our laws, merely new unto you, and quite out of the path of your education, reading, and conference: wherein, nevertheless, upon a spark of light given, your majesty took in so dextrously and profoundly, as if you had been indeed *anima legis*, not only in execution, but in understanding: the remembrance whereof, as it will never be out of my mind, so it will always be a warning to me to seek rather to excite your judgment briefly, than to inform it tediously; and if in a matter of that nature, how much more in this, wherein your princely cogitations have wrought themselves, and been conversant, and wherein the principal light proceeded from yourself.

And therefore my purpose is only to break this matter of the union into certain short articles and questions, and to make a certain kind of anatomy or analysis of the parts and members thereof: not that I am of opinion that all the questions which I now shall open, were fit to be in the consultation of the commissioners propounded. For I hold nothing so great an enemy to good resolution, as the making of too many questions; especially in assemblies which con-

list of many. For princes, for avoiding of distraction, must take many things by way of admittance; and if questions must be made of them, rather to suffer them to arise from others, than to grace them and authorise them as propounded from themselves. But unto your majesty's private consideration, to whom it may better sort with me rather to speak as a remembrancer than as a counsellor, I have thought good to lay before you all the branches, lineaments, and degrees of this union, that upon the view and consideration of them and their circumstances, your majesty may the more clearly discern, and more readily call to mind which of them is to be embraced, and which to be rejected: and of these, which are to be accepted, which of them is presently to be proceeded in, and which to be put over to farther time. And again, which of them shall require authority of parliament, and which are fitter to be effected by your majesty's royal power and prerogative, or by other policies or means; and lastly, which of them is liker to pass with difficulty and contradiction, and which with more facility and smoothness.

First, therefore, to begin with that question, that, I suppose, will be out of question.

Statutes concerning Scotland, and the Scottish nation.

Whether it be not meet, that the statutes, which were made touching Scotland or the Scottish nation, while the kingdoms stood severed, be repealed?

It is true, there is a diversity in these; for some of these laws consider Scotland as an enemy's country; other laws consider it as a foreign country only: as for example; the law of Rich. II. anno 7. which prohibiteth all armour or victual to be carried to Scotland; and the law of 7 of K. Henry VII. that enacteth all the Scottish men to depart the realm within a time prefixed. Both these laws, and some others, respect Scotland as a country of hostility: but the law of 22 of Edward IV. that endueth Berwick with the liberty of a staple, where all Scottish merchandises should resort that should be uttered for England, and likewise all English merchandises that should be uttered for Scotland; this law beholdeth Scotland only as a foreign nation; and not so much neither; for there have

been erected staples in towns of England for some commodities, with an exclusion and restriction of other parts of England.

But this is a matter of the least difficulty; your majesty shall have a calendar made of the laws, and a brief of the effect; and so you may judge of them: and the like or reciproque is to be done by Scotland for such laws as they have concerning England and the English nation.

Laws, customs, commissions, officers of the borders or marches.

The second question is, what laws, customs, commissions, officers, garrisons, and the like, are to be put down, discontinued or taken away upon the borders of both realms?

To this point, because I am not acquainted with the orders of the marches, I can say the less.

Herein falleth that question, whether that the tenants, who hold their tenants rights in a greater freedom and exemption, in consideration of their service upon the borders, and that the countries themselves, which are in the same respect discharged of subsidies and taxes, should not now be brought to be in one degree with other tenants and countries; *nam cessante causa, tollitur effectus?* Wherein, in my opinion, some time would be given; *quia adhuc eorum messis in herba est:* but some present ordinance would be made to take effect at a future time, considering it is one of the greatest points and marks of the division of the kingdoms. And because reason doth dictate, that where the principal solution of continuity was, there the healing and consolidating plaister should be chiefly applied; there would be some farther device for the utter and perpetual confounding of those imaginary bounds, as your majesty termeth them: and therefore it would be considered, whether it were not convenient to plant and erect at Carlisle or Berwick some council or court of justice, the jurisdiction whereof might extend part into England and part into Scotland, with a commission not to proceed precisely, or merely according to the laws and customs either of England or Scotland, but mixtly, according to instructions by your majesty to be set down, after the

imitation and precedent of the council of the marches here in England, erected upon the union of Wales?

The third question is that which many will make a great question of, though perhaps your majesty will make no question of it; and that is, whether your majesty should not make a stop or stand here, and not to proceed to any farther union, contenting yourself with the two former articles or points. Farther union besides the removing of inconvenient and dissenting laws and usages.

For it will be said, that we are now well, thanks be to God and your majesty, and the state of neither kingdom is to be repented of; and that it is true which Hippocrates saith, that *Sana corpora difficile medicationes ferunt*, it is better to make alterations in sick bodies than in sound. The consideration of which point will rest upon these two branches: what inconveniences will ensue with time, if the realms stand as they are divided, which are yet not found nor sprung up. For it may be the sweetness of your majesty's first entrance, and the great benefit that both nations have felt thereby, hath covered many inconveniences: which, nevertheless, be your majesty's government never so gracious and politic, continuance of time and the accidents of time may breed and discover, if the kingdoms stand divided.

The second branch is; allow no manifest or important peril or inconvenience should ensue of the continuing of the kingdoms divided, yet on the other side, whether that upon the farther uniting of them, there be not like to follow that addition and increase of wealth and reputation, as is worthy your majesty's virtues and fortune, to be the author and founder of, for the advancement and exaltation of your majesty's royal posterity in time to come?

But admitting that your majesty should proceed to this more perfect and intire union, wherein your majesty may say, *Majus opus moveo;* to enter into the parts and degrees thereof, I think fit first to set down, as in a brief table, in what points the nations stand now at this present time already united, and in what points yet still severed and divided, that your majesty may the better see what is done, and what is to be Points wherein the nations stand already united.

done; and how that which is to be done is to be inferred upon that which is done.

The points wherein the nations stand already united are:

In sovereignty.

In the relative thereof, which is subjection.

In religion.

In continent.

In language.

And now lastly, by the peace by your majesty concluded with Spain, in leagues and confederacies: for now both nations have the same friends and the same enemies.

Yet notwithstanding there is none of the six points, wherein the union is perfect and consummate; but every of them hath some scruple or rather grain of separation inwrapped and included in them.

Sovereignty, line royal.

For the sovereignty, the union is absolute in your majesty and your generation; but if it should so be, which God of his infinite mercy defend, that your issue should fail, then the descent of both realms doth resort to the several lines of the several bloods royal.

Subjection, obedience.

Alien, naturalization.

For subjection, I take the law of England to be clear, what the law of Scotland is I know not, that all Scotsmen from the very instant of your majesty's reign begun are become denizens, and the *post-nati* are naturalized subjects of England for the time forwards: for by our laws none can be an alien but he that is of another allegiance than our sovereign lord the king's: for there be but two sorts of aliens, whereof we find mention in our law, an alien ami, and an alien enemy; whereof the former is a subject of a state in amity with the king, and the latter a subject of a state in hostility: but whether he be one or other, it is an essential difference unto the definition of an alien, if he be not of the king's allegiance; as we see it evidently in the precedent of Ireland, who, since they were subjects to the crown of England, have ever been inheritable and capable as natural subjects; and yet not by any statute or act of parliament, but merely by the common-law, and the reason thereof. So as there is no

doubt, that every subject of Scotland was, and is in like plight and degree, since your majesty's coming in, as if your majesty had granted particularly your letters of denization or naturalization to every of them, and the *post-nati* wholly natural. But then on the other side, for the time backwards, and for those that were *ante-nati*, the blood is not by law naturalized, so as they cannot take it by descent from their ancestors without act of parliament: and therefore in this point there is a defect in the union of subjection.

Religion, Church government.

For matter of religion, the union is perfect in points of doctrine; but in matter of discipline and government it is imperfect.

Continent, borders.

For the continent, it is true there are no natural boundaries of mountains or seas, or navigable rivers; but yet there are badges and memorials of borders; of which point I have spoken before.

Language, dialect.

For the language, it is true the nations are *unius labii*, and have not the first curse of disunion, which was confusion of tongues, whereby one understood not another. But yet the dialect is differing, and it remaineth a kind of mark of distinction. But for that, *tempori permittendum*, it is to be left to time. For considering that both languages do concur in the principal office and duty of a language, which is to make a man's self understood: for the rest, it is rather to be accounted, as was said, a diversity of dialect than of language: and, as I said in my first writing, it is like to bring forth the enriching of one language, by compounding and taking in the proper and significant words of either tongue, rather than a continuance of two languages.

Leagues, confederacies, treaties.

For leagues and confederacies, it is true, that neither nation is now in hostility with any state, wherewith the other nation is in amity: but yet so, as the leagues and treaties have been concluded with either nation respectively, and not with both jointly; which may contain some diversity of articles of straitness of amity with one more than with the other.

But many of these matters may perhaps be of that

kind, as may fall within that rule, *In veste varietas sit, scissura non sit.*

Now to descend to the particular points wherein the realms stand severed and divided, over and besides the former six points of separation, which I have noted and placed as defects or abatements of the six points of the union, and therefore shall not need to be repeated: the points, I say, yet remaining, I will divide into external and internal.

External points of the separation and union.

The external points therefore of the separation are four.

1. The several crowns, I mean the ceremonial and material crowns.

2. The second is the several names, stiles, or appellations.

3. The third is the several prints of the seals.

4. The fourth is the several stamps or marks of the coins or moneys.

It is true, that the external are in some respect and parts much mingled and interlaced with considerations internal; and that they may be as effectual to the true union, which must be the work of time, as the internal, because they are operative upon the conceits and opinions of the people; the uniting of whose hearts and affections is the life and true end of this work.

The ceremonial or material crowns.

For the ceremonial crowns, the question will be, whether there shall be framed one new imperial crown of Britain to be used for the times to come? Also, admitting that to be thought convenient, whether in the frame thereof there shall not be some reference to the crowns of Ireland and France?

Also whether your majesty should repeat or iterate your own coronation and your queen's, or only ordain that such new crown shall be used by your posterity hereafter?

The difficulties will be in the conceit of some inequality, whereby the realm of Scotland may be thought to be made an accession unto the realm of England. But that resteth in some circumstances; for the compounding of the two crowns is equal; the calling of the new crown the crown of Britain is equal. Only

the place of coronation, if it shall be at Westminster, which is the ancient, august, and sacred place for the kings of England, may seem to make an inequality. And again, if the crown of Scotland be discontinued, then that ceremony, which I hear is used in the parliament of Scotland in the absence of the kings, to have the crowns carried in solemnity, must likewise cease.

The stiles and names.

For the name, the main question is, whether the contracted name of Britain shall be by your majesty used, or the divided names of England and Scotland?

Admitting there shall be an alteration, then the case will require these inferior questions:

First, whether the name of Britain shall only be used in your majesty's stile, where the intire stile is recited; and in all other forms the divided names to remain both of the realms and of the people? or otherwise, that the very divided names of realms and people shall likewise be changed or turned into special or subdivided names of the general name; that is to say, for example, whether your majesty in your stile shall denominate yourself king of Britain, France, and Ireland, *etc.* and yet nevertheless, in any commission, writ, or otherwise, where your majesty mentions England or Scotland, you shall retain the ancient names, as *secundum consuetudinem regni nostri Angliæ;* or whether those divided names shall be for ever lost and taken away, and turned into the subdivisions of South-Britain and North-Britain, and the people to be South-Britons and North-Britons? And so in the example aforesaid, the tenour of the like clause to run *secundum consuetudinem Britanniæ australis.*

Also, if the former of these shall be thought convenient, whether it were not better for your majesty to take that alteration of stile upon you by proclamation, as Edward the third did the stile of France, than to have it enacted by parliament?

Also, in the alteration of the stile, whether it were not better to transpose the kingdom of Ireland, and put it immediately after Britain, and so place the islands together; and the kingdom of France, being upon the

continent, last; in regard that these islands of the western ocean seem by nature and providence an entire empire in themselves; and also, that there was never king of England so entirely possest of Ireland, as your majesty is: so as your stile to run king of Britain, Ireland, and the islands adjacent, and of France, *etc.*

The difficulties in this have been already throughly beaten over; but they gather but to two heads.

The one, point of honour and love to the former names.

The other, doubt, lest the alteration of the name may induce and involve an alteration of the laws and policies of the kingdom; both which, if your majesty shall assume the stile by proclamation, and not by parliament, are in themselves satisfied: for then the usual names must needs remain in writs and records, the forms whereof cannot be altered but by act of parliament, and so the point of honour satisfied. And again, your proclamation altereth no law, and so the scruple of a tacit or implied alteration of laws likewise satisfied. But then it may be considered, whether it were not a form of the greatest honour, if the parliament, though they did not enact it, yet should become suitors and petitioners to your majesty to assume it?

The seals. For the seals, that there should be but one great seal of Britain, and one chancellor, and that there should only be a seal in Scotland for processes and ordinary justice; and that all patents of grants of lands or otherwise, as well in Scotland as in England, should pass under the great seal here, kept about your person; it is an alteration internal, whereof I do not now speak.

But the question in this place is, whether the great seals of England and Scotland should not be changed into one and the same form of image and superscription of Britain, which, nevertheless, is requisite should be with some one plain or manifest alteration, lest there be a buz, and suspect, that grants of things in England may be passed by the seal of Scotland, or *e converso?*

Also, whether this alteration of form may not be done without act of parliament, as the great seals have used to be heretofore changed as to their impressions?

For the moneys, as to the real and internal consideration thereof, the question will be, whether your majesty shall not continue two mints? which, the distance of territory considered, I suppose will be of necessity.

Secondly, how the standards, if it be not already done, as I hear some doubt made of it in popular rumour, may be reduced into an exact proportion for the time to come; and likewise the computation, tale, or valuation to be made exact for the moneys already beaten? The standards and stamps, moneys.

That done, the last question is, which is only proper to this place, whether the stamp or the image and superscription of Britain for the time forwards should not be made the self-same in both places, without any difference at all? A matter also which may be done, as our law is, by your majesty's prerogative without act of parliament.

These points are points of demonstration, *ad faciendum populum*, but so much the more they go to the root of your majesty's intention, which is to imprint and inculcate into the hearts and heads of the people, that they are one people and one nation.

In this kind also I have heard it pass abroad in speech of the erection of some new order of knighthood, with a reference to the union, and an oath appropriate thereunto, which is a point likewise deserves a consideration. So much for the external points.

The internal points of separation are as followeth. Internal points of union.

1. Several parliaments.
2. Several councils of state.
3. Several officers of the crown.
4. Several nobilities.
5. Several laws.
6. Several courts of justice, trials, and processes.
7. Several receits and finances.
8. Several admiralties and merchandizings.

9. Several freedoms and liberties.

10. Several taxes and imposts.

As touching the several states ecclesiastical, and the several mints and standards, and the several articles and treaties of intercourse with foreign nations, I touched them before.

In these points of the strait and more inward union, there will intervene one principal difficulty and impediment, growing from that root, which Aristotle in his *Politics* maketh to be the root of all division and dissension in commonwealths, and that is equality and inequality. For the realm of Scotland is now an ancient and noble realm, substantive of itself. But when this island shall be made Britain, then Scotland is no more to be considered as Scotland, but as a part of Britain; no more than England is to be considered as England, but as a part likewise of Britain; and consequently neither of these are to be considered as things intire of themselves, but in the proportion that they bear to the whole. And therefore let us imagine, *Nam id mente possumus, quod actu non possumus*, that Britain had never been divided, but had ever been one kingdom; then that part of soil or territory, which is comprehended under the name of Scotland, is in quantity, as I have heard it esteemed, how truly I know not, not past a third part of Britain; and that part of soil or territory which is comprehended under the name of England, is two parts of Britain, leaving to speak of any difference of wealth or population, and speaking only of quantity. So then if, for example, Scotland should bring to parliament as much nobility as England, then a third part should countervail two parts; *nam si inæqualibus æqualia addas, omnia erunt inæqualia.* And this, I protest before God and your majesty, I do speak not as a man born in England, but as a man born in Britain. And therefore to descend to the particulars:

1. Parliament. For the parliaments, the consideration of that point will fall into four questions.

1. The first, what proportion shall be kept between the votes of England and the votes of Scotland?

2. The second, touching the manner of proposition, or possessing of the parliament of causes there to be handled; which in England is used to be done immediately by any member of the parliament, or by the prolocutor; and in Scotland is used to be done immediately by the lords of the articles; whereof the one form seemeth to have more liberty, and the other more gravity and maturity: and therefore the question will be, whether of these shall yield to other, or whether there should not be a mixture of both, by some commissions precedent to every parliament, in the nature of lords of the articles, and yet not excluding the liberty of propounding in full parliament afterwards?

3. The third, touching the orders of parliament, how they may be compounded, and the best of either taken?

4. The fourth, how those, which by inheritance or otherwise have offices of honour and ceremony in both the parliaments, as the lord steward with us, *etc.* may be satisfied, and duplicity accommodated?

2. Councils of estate.

For the councils of estate, while the kingdoms stand divided, it should seem necessary to continue several councils; but if your majesty should proceed to a strict union, then howsoever your majesty may establish some provincial councils in Scotland, as there is here of York, and in the marches of Wales, yet the question will be, whether it will not be more convenient for your majesty, to have but one privy council about your person, whereof the principal officers of the crown of Scotland to be for dignity sake, howsoever their abiding and remaining may be as your majesty shall employ their service? But this point belongeth merely and wholly to your majesty's royal will and pleasure.

3. Officers of the crown.

For the officers of the crown, the consideration thereof will fall into these questions.

First, in regard of the latitude of your kingdom and the distance of place, whether it will not be matter of necessity to continue the several officers, because of the impossibility for the service to be performed by one?

The second, admitting the duplicity of officers should

be continued, yet whether there should not be a difference, that one should be the principal officer, and the other to be but special and subaltern? As for example, one to be chancellor of Britain, and the other to be chancellor with some special addition, as here of the dutchy, *etc.*

The third, if no such specialty or inferiority be thought fit, then whether both officers should not have the title and the name of the whole island and precincts? as the lord Chancellor of England to be lord Chancellor of Britain, and the lord Chancellor of Scotland to be lord Chancellor of Britain, but with several provisos that they shall not intromit themselves but within their several precincts.

4. Nobilities. For the nobilities, the consideration thereof will fall into these questions.

The first, of their votes in parliament, which was touched before, what proportion they shall bear to the nobility of England? wherein if the proportion which shall be thought fit be not full, yet your majesty may, out of your prerogative, supply it; for although you cannot make fewer of Scotland, yet you may make more of England.

The second is touching the place and precedence wherein to marshal them according to the precedence of England in your majesty's stile, and according to the nobility of Ireland; that is, all English earls first, and then Scotish, will be thought unequal for Scotland. To marshal them according to antiquity, will be thought unequal for England. Because I hear their nobility is generally more ancient: and therefore the question will be, whether the indifferentest way were not to take them interchangeably; as for example, first, the ancient earl of England, and then the ancient earl of Scotland, and so *alternis vicibus?*

5. Laws. For the laws, to make an entire and perfect union, it is a matter of great difficulty and length, both in the collecting of them, and in the passing of them.

For first, as to the collecting of them, there must be made by the lawyers of either nation a digest under titles of their several laws and customs, as well com-

non laws as statutes, that they may be collated and compared, and that the diversities may appear and be discerned of. And for the passing of them, we see by experience that *patrius mos* is dear to all men, and that men are bred and nourished up in the love of it; and therefore how harsh changes and innovations are. And we see likewise what disputation and argument the alteration of some one law doth cause and bring forth, how much more the alteration of the whole corps of the law? Therefore the first question will be, whether it be not good to proceed by parts, and to take that that is most necessary, and leave the rest to time? The parts therefore or subject of laws, are for this purpose fitliest distributed according to that ordinary division of criminal and civil, and those of criminal causes into capital and penal.

The second question therefore is, allowing the general union of laws to be too great a work to embrace; whether it were not convenient that cases capital were the same in both nations; I say the cases, I do not speak of the proceedings or trials; that is to say, whether the same offences were not fit to be made treason or felony in both places?

The third question is, whether cases penal, though not capital, yet if they concern the public state, or otherwise the discipline of manners, were not fit likewise to be brought into one degree, as the case of misprision of treason, the case of *præmunire*, the case of fugitives, the case of incest, the case of simony, and the rest?

But the question that is more urgent than any of these is, whether these cases at the least, be they of an higher or inferior degree, wherein the fact committed, or act done in Scotland, may prejudice the state and subjects of England, or *e converso*, are not to be reduced into one uniformity of law and punishment? As for example, a perjury committed in a court of justice in Scotland, cannot be prejudicial in England, because depositions taken in Scotland cannot be produced and used here in England. But a forgery of a deed in Scotland, I mean with a false date

of England, may be used and given in evidence in England. So likewise the depopulating of a town in Scotland doth not directly prejudice the state of England: but if an English merchant shall carry silver and gold into Scotland, as he may, and thence transport it into foreign parts, this prejudiceth the state of England, and may be an evasion to all the laws of England ordained in that case; and therefore had need to be bridled with as severe a law in Scotland as it is here in England.

Of this kind there are many laws.

The law of the 5th of Richard II. of going over without licence, if there be not the like law in Scotland, will be frustrated and evaded: for any subject of England may go first into Scotland, and thence into foreign parts.

So the laws prohibiting transportation of sundry commodities, as gold, and silver, ordnance, artillery, corn, *etc.* if there be not a correspondence of laws in Scotland, will in like manner be deluded and frustrate; for any English merchant or subject may carry such commodities first into Scotland, as well as he may carry them from port to port in England; and out of Scotland into foreign parts, without any peril of law.

So libels may be devised and written in Scotland, and published and scattered in England.

Treasons may be plotted in Scotland and executed in England.

And so in many other cases, if there be not the like severity of law in Scotland to restrain offences that there is in England, whereof we are here ignorant whether there be or no, it will be a gap or stop even for English subjects to escape and avoid the laws of England.

But for treasons, the best is that by the statute of 26 K. Henry VIII. *cap.* 13. any treason committed in Scotland may be proceeded with in England, as well as treasons committed in France, Rome, or elsewhere.

6. Courts of justice, and administration of laws.

For courts of justice, trials, processes, and other administration of laws, to make any alteration in either nation, it will be a thing so new and unwonted

n either people, that it may be doubted it will make he administration of justice, which of all other things ought to be known and certain as a beaten way, to become intricate and uncertain. And besides, I do not see that the severalty of administration of justice, though it be by court sovereign of last resort, I mean without appeal or error, is any impediment at all to the union of a kingdom: as we see by experience in the several courts of parliament in the kingdom of France. And I have been always of opinion, that the subjects of England do already fetch justice somewhat far off, more than in any nation that I know, the largeness of the kingdom considered, though it be holpen in some part by the circuits of the judges; and the two councils at York, and in the marches of Wales established.

But it may be a good question, whether, as *commune vinculum* of the justice of both nations, your majesty should not erect some court about your person, in the nature of the grand council of France: to which court you might, by way of evocation, draw causes from the ordinary judges of both nations; for so doth the French king from all the courts of parliament in France; many of which are more remote from Paris than any part of Scotland is from London.

7. Receits, Finances, and Patrimonies of the Crown.

For receits and finances, I see no question will arise, in regard it will be matter of necessity to establish in Scotland a receit of treasure for payments and erogations to be made in those parts: and for the treasure of spare, in either receits, the custodies thereof may well be several; considering by your majesty's commandment they may be at all times removed or disposed according to your majesty's occasions.

For the patrimonies of both crowns, I see no question will arise, except your majesty would be pleased to make one compounded annexation, for an inseparable patrimony to the crown out of the lands of both nations: and so the like for the principality of Britain, and for other appennages of the rest of your children: erecting likewise such duchies and honours, compounded of the possessions of both nations, as shall be thought fit.

8. Admiralty, Navy, and Merchandising.

For admiralty or navy, I see no great question will arise; for I see no inconvenience for your majesty to continue shipping in Scotland. And for the jurisdictions of the admiralties, and the profits and casualties of them, they will be respective unto the coasts, over-against which the seas lie and are situated; as it is here with the admiralties of England.

And for merchandising, it may be a question, whether that the companies, of the merchant adventurers, of the Turkey merchants, and the Muscovy merchants, if they shall be continued, should not be compounded of merchants of both nations, English and Scotish. For to leave trade free in the one nation, and to have it restrained in the other, may percase breed some inconvenience.

9. Freedoms and Liberties.

For freedoms and liberties, the charters of both nations may be reviewed; and of such liberties as are agreeable and convenient for the subjects and people of both nations, one great charter may be made and confirmed to the subjects of Britain; and those liberties which are peculiar or proper to either nation, to stand in state as they do.

10. Taxes and Imposts.

But for imposts and customs, it will be a great question how to accommodate them and reconcile them: for if they be much easier in Scotland than they be here in England, which is a thing I know not, then this inconvenience will follow; that the merchants of England may unlade in the ports of Scotland: and this kingdom to be served from thence, and your majesty's customs abated.

And for the question, whether the Scotish merchants should pay strangers custom in England? that resteth upon the point of naturalization, which I touched before.

Thus have I made your majesty a brief and naked memorial of the articles and points of this great cause, which may serve only to excite and stir up your majesty's royal judgment, and the judgment of wiser men whom you will be pleased to call to it; wherein I will not presume to persuade or dissuade any thing; nor to interpose mine own opinion, but do expect light from your majesty's royal directions; unto the which

I shall ever submit my judgment, and apply my travails. And I most humbly pray your majesty, in this which is done to pardon my errors, and to cover them with my good intention and meaning, and desire I have to do your majesty service, and to acquit the trust that was reposed in me, and chiefly in your majesty's benign and gracious acceptation.

THE MOST HUMBLE

CERTIFICATE OR RETURN

OF THE

COMMISSIONERS OF ENGLAND AND SCOTLAND,

AUTHORISED TO TREAT OF

AN UNION FOR THE WEAL OF BOTH REALMS:

2 JAC. I. [PREPARED, BUT ALTERED.]

WE the commissioners for England and Scotland respectively named and appointed, in all humbleness do signify to his most excellent majesty, and to the most honourable high courts of parliament of both realms, that we have assembled ourselves, consulted and treated according to the nature and limits of our commission; and forasmuch as we do find that hardly within the memory of all times, or within the compass of the universal world, there can be shewed forth a fit example or precedent of the work we have in hand concurring in all points material, we thought ourselves so much the more bound to resort to the infallible and original grounds of nature and common reason, and freeing ourselves from the leading or misleading of examples, to insist and fix our considerations upon the individual business in hand, without wandering or discourses.

It seemed therefore unto us a matter demonstrative by the light of reason, that we were in first place to begin with the remotion and abolition of all manner of hostile, envious, or malign laws on either side, being in themselves mere temporary, and now by time become directly contrary to our present most happy estate; which laws, as they are already dead in force and vigour, so we thought fit now to wish them buried in oblivion; that by the utter extinguishment of the memory of discords past, we may avoid all seeds of relapse into discords to come.

Secondly, as matter of nature not unlike the former, we entered into consideration of such limitany constitutions as served but for to obtain a form of justice between subjects under several monarchs, and did in the very grounds and motives of them presuppose incursions, and intermixture of hostility: all which occasions, as they are in themselves now vanished and done away, so we wish the abolition and cessation thereof to be declared.

Thirdly, for so much as the principal degree to union is communion and participation of mutual commodities and benefits, it appeared to us to follow next in order, that the commerce between both nations be set open and free, so as the commodities and provisions of either may pass and flow to and fro, without any stops or obstructions, into the veins of the whole body, for the better sustentation and comfort of all the parts: with caution nevertheless, that the vital nourishment be not so drawn into one part, as it may endanger a consumption and withering of the other.

Fourthly, after the communion and participation by commerce, which can extend but to the transmission of such commodities as are moveable, personal, and transitory, there succeeded naturally that other degree, that there be made a mutual endowment and donation of either realm towards other of the abilities and capacities to take and enjoy things which are permanent, real, and fixed; as namely, freehold and inheritance, and the like: and that as well the internal and vital veins of blood be opened from interruption and obstruction in making pedigree, and claiming by descent, as the external and elemental veins of passage and commerce; with reservation nevertheless unto the due time of such abilities and capacities only, as no power on earth can confer without time and education.

And lastly, because the perfection of this blessed work consisteth in the union, not only of the solid parts of the estate, but also in the spirit and sinews of the same, which are the laws and government, which nevertheless are already perfectly united in the head,

but require a further time to be united in the bulk and frame of the whole body; in contemplation hereof we did conceive that the first step thereunto was to provide, that the justice of either realm should aid and assist, and not frustrate and interrupt the justice of the other, specially in sundry cases criminal; so that either realm may not be abused by malefactors as a sanctuary or place of refuge, to avoid the condign punishment of their crimes and offences.

All which several points, as we account them, summed up and put together, but as a degree or middle term to the perfection of this blessed work; so yet we conceived them to make a just and fit period for our present consultation and proceeding.

And for so much as concerneth the manner of our proceedings, we may truly make this attestation unto ourselves, that as the mark we shot at was union and unity, so it pleased God in the handling thereof to bless us with the spirit of unity, insomuch as from our first sitting unto the breaking up of our assembly, a thing most rare, the circumstance of the cause and persons considered, there did not happen or intervene, neither in our debates or arguments, any manner of altercation or strife of words; nor in our resolutions any variety or division of votes, but the whole passed with an unanimity and uniformity of consent: and yet so, as we suppose, there was never in any consultation greater plainness and liberty of speech, argument and debate, replying, contradicting, recalling any thing spoken where cause was, expounding any matter ambiguous or mistaken; and all other points of free and friendly interlocution and conference, without cavillations, advantages, or overtakings: a matter that we cannot ascribe to the skill or temper of our own carriage, but to the guiding and conducting of God's holy providence and will, the true author of all unity and agreement. Neither did we, where the business required, rest so upon our own sense and opinions, but we did also aid and assist ourselves, as well with the reverend opinion of judges and persons of great science and authority in the laws, and also

vith the wisdom and experience of merchants, and men xpert in commerce. In all which our proceedings, otwithstanding, we are so far from pretending or aim- ng at any prejudication, either of his royal majesty's overeign and high wisdom, which we do most dutifully acknowledge to be able to pierce and penetrate far eyond the reach of our capacities; or of the solid and rofound judgment of the high courts of parliament of oth realms, as we do in all humbleness submit our udgments and doings to his sacred majesty, and to he parliaments, protesting our sincerity, and craving racious and benign construction and acceptation of ur travails.

We therefore with one mind and consent have greed and concluded, that there be propounded and resented to his majesty and the parliament of both ealms, these articles and propositions following. . . .

A

SPEECH

USED BY

SIR FRANCIS BACON, KNIGHT,

IN THE HONOURABLE HOUSE OF COMMONS, QUINTO JACOBI,

CONCERNING THE ARTICLE OF THE

GENERAL NATURALIZATION

OF THE

SCOTISH NATION.

IT may please you, Mr. Speaker, preface I will use none, but put myself upon your good opinion, to which I have been accustomed beyond my deservings; neither will I hold you in suspense what way I will choose, but now at the first declare myself, that I mean to counsel the house to naturalize this nation: wherein, nevertheless, I have a request to make unto you, which is of more efficacy to the purpose I have in hand than all that I shall say afterwards. And it is the same request, which Demosthenes did more than once, in great causes of estate, make to the people of Athens, *ut cum calculis suffragiorum sumant magnanimitatem reipublicæ*, that when they took into their hands the balls, whereby to give their voices, according as the manner of them was, they would raise their thoughts, and lay aside those considerations which their private vocations and degrees might minister and represent unto them, and would take upon them cogitations and minds agreeable to the dignity and honour of the estate.

For, Mr. Speaker, as it was aptly and sharply said by Alexander to Parmenio, when upon their recital of

the great offers which Darius made, Parmenio said unto him, *I would accept these offers, were I as Alexander:* he turned it upon him again, *So would I*, saith he, *were I as Parmenio.* So in this cause, if an honest English merchant, I do not single out that state in disgrace, for this island ever held it honourable, but only for an instance of a private profession, if an English merchant should say, "Surely I would proceed no "farther in the union, were I as the king;" it might be reasonably answered, "No more would the king, "were he as an English merchant." And the like may be said of a gentleman of the country, be he never so worthy or sufficient; or of a lawyer, be he never so wise or learned; or of any other particular condition of men in this kingdom: for certainly, Mr. Speaker, if a man shall be only or chiefly sensible of those respects which his particular vocation and degree shall suggest and infuse into him, and not enter into true and worthy considerations of estate, he shall never be able aright to give counsel, or take counsel in this matter. So that if this request be granted, I account the cause obtained.

But to proceed to the matter itself: all consultations do rest upon questions comparative; for when a question is *de vero*, it is simple, for there is but one truth; but when a question is *de bono*, it is for the most part comparative; for there be differing degrees of good and evil, and the best of the good is to be preferred and chosen, and the worst of the evil is to be declined and avoided; and therefore in a question of this nature you may not look for answer proper to every inconvenience alledged; for somewhat that cannot be especially answered may, nevertheless, be encountered and over-weighed by matter of greater moment, and therefore the matter which I shall set forth unto you will naturally receive the distribution of three parts.

The answer to the inconveniences objected concerning the naturalization.

First, an answer to those inconveniences which have been alledged to ensue, if we should give way to this naturalization; which, I suppose, you will not find to be so great as they have been made; but that much dross is put into the balance to help to make weight.

Secondly, an encounter against the remainder of these inconveniences which cannot properly be answered, by much greater inconveniences, which we shall incur if we do not proceed to this naturalization.

Thirdly, an encounter likewise, but of another nature, that is, by the gain and benefit which we shall draw and purchase to ourselves by proceeding to this naturalization. And yet, to avoid confusion, which evermore followeth upon too much generality, it is necessary for me, before I proceed to persuasion, to use some distribution of the points or parts of naturalization, which certainly can be no better, or none other, than the ancient distinction of *jus civitatis, jus suffragii vel tribus*, and *jus petitionis sive honorum*: for all ability and capacity is either of private interest of *meum et tuum*, or of public service; and the public consisteth chiefly either in voice, or in action, or office. Now it is the first of these, Mr. Speaker, that I will only handle at this time and in this place, and refer the other two for a committee, because they receive more distinction and restriction.

To come therefore to the inconveniences alledged on the other part, the first of them is, that there may ensue of this naturalization a surcharge of people upon this realm of England, which is supposed already to have the full charge and content: and therefore there cannot be an admission of the adoptive without a diminution of the fortunes and conditions of those that are native subjects of this realm. A grave objection, Mr. Speaker, and very dutiful; for it proceeds not of any unkindness to the Scotish nation, but of a natural fastness to ourselves; for that answer of the Virgins, *Ne forte non sufficiat vobis et nobis*, proceeded not out of any envy or malign humour, but out of providence, and the original charity which begins with ourselves. And I must confess, Mr. Speaker, that as the gentleman said, when Abraham and Lot, in regard of the greatness of their families, grew pent and straitened, it is true, that, brethren though they were, they grew to difference, and to those words, *Vade tu ad dexteram, et ego ad sinistram, etc.* But certainly, I

should never have brought that example on that side; for we see what followed of it, how that this separation *ad dexteram et ad sinistram* caused the miserable captivity of the one brother, and the dangerous, though prosperous war of the other, for his rescue and recovery.

But to this objection, Mr. Speaker, being so weighty and so principal, I mean to give three several answers, every one of them being, to my understanding, by itself sufficient.

The first is, that this opinion of the number of the Scotish nation, that should be likely to plant themselves here amongst us, will be found to be a thing rather in conceit than in event; for, Mr. Speaker, you shall find those plausible similitudes, of a tree that will thrive the better if it be removed into the more fruitful soil; and of sheep or cattle, that if they find a gap or passage open will leave the more barren pasture, and get into the more rich and plentiful, to be but arguments merely superficial, and to have no sound resemblance with the transplanting or transferring of families; for the tree, we know, by nature, as soon as it is set in the better ground, can fasten upon it, and take nutriment from it; and a sheep, as soon as he gets into the better pasture, what should let him to graze and feed? But there belongeth more, I take it, to a family or particular person, that shall remove from one nation to another: for if, Mr. Speaker, they have not stock, means, acquaintance, and custom, habitation, trades, countenance, and the like, I hope you doubt not but they will starve in the midst of the rich pasture, and are far enough off from grazing at their pleasure: and therefore in this point, which is conjectural, experience is the best guide; for the time past is a pattern of the time to come. I think no man doubteth, Mr. Speaker, but his majesty's first coming in was as the greatest spring-tide for the confluence and entrance of that nation. Now I would fain understand, in these four years space, and in the fulness and strength of the current and tide, how many families of Scotsmen are planted in the cities, boroughs, and

The opinion of the number of the Scotish nation.

towns of this kingdom; for I do assure myself, that, more than some persons of quality about his majesty's person here at court, and in London, and some other inferior persons, that have a dependence upon them, the return and certificate, if such a survey should be made, would be of a number extremely small: I report me to all your private knowledges of the places where you inhabit.

Now, Mr. Speaker, as I said, *Si in ligno viridi ita fit, quid fiet in arido?* I am sure there will be no more such spring-tides. But you will tell me of a multitude of families of the Scotish nation in Polonia; and if they multiply in a country so far off, how much more here at hand? For that, Mr. Speaker, you must impute it of necessity to some special accident of time and place that draws them thither: for you see plainly before your eyes, that in Germany, which is much nearer, and in France, where they are invited with privileges, and with this very privilege of naturalization, yet no such number can be found; so as it cannot either be nearness of place, or privilege of person, that is the cause. But shall I tell you, Mr. Speaker, what I think? Of all the places in the world, near or far off, they will never take that course of life in this kingdom, which they content themselves with in Poland; for we see it to be the nature of all men that they will rather discover poverty abroad, than at home. There is never a gentleman that hath overreached himself in expence, and thereby must abate his countenance, but he will rather travel, and do it abroad than at home: and we know well they have good high stomachs, and have ever stood in some terms of emulation with us: and therefore they will never live here, except they can live in good fashion. So as I assure you, Mr. Speaker, I am of opinion that the strife which we now have to admit them, will have like sequel as that contention had between the nobility and people of Rome for the admitting of a plebeian consul; which whilst it was in passage was very vehement, and mightily stood upon, and when the people had obtained it, they never made any plebeian consul,

not in sixty years after: and so will this be for many years, as I am persuaded, rather a matter in opinion and reputation, than in use or effect. And this is the first answer that I give to this main inconvenience pretended, of surcharge of people.

England not peopled to the full.

The second answer which I give to this objection, is this: I must have leave to doubt, Mr. Speaker, that this realm of England is not yet peopled to the full; for certain it is, that the territories of France, Italy, Flanders, and some parts of Germany, do in equal space of ground bear and contain a far greater quantity of people, if they were mustered by the poll; neither can I see, that this kingdom is so much inferior unto those foreign parts in fruitfulness, as it is in population; which makes me conceive we have not our full charge. Besides, I do see manifestly amongst us the badges and tokens rather of scarceness, than of press of people, as drowned grounds, commons, wastes, and the like, which is a plain demonstration, that howsoever there may be an over-swelling throng and press of people here about London, which is most in our eye, yet the body of the kingdom is but thin sown with people: and whosoever shall compare the ruins and decays of ancient towns in this realm, with the erections and augmentations of new, cannot but judge that this realm hath been far better peopled in former times; it may be, in the heptarchy, or otherwise: for generally the rule holdeth, the smaller the state, the greater the population, *pro rata*. And whether this be true or no, we need not seek farther, than to call to our remembrance how many of us serve here in this place for desolate and decayed boroughs.

Mediterrane, not maritime countries, surcharged with people.

Again, Mr. Speaker, whosoever looketh into the principles of estate, must hold that it is the mediterrane countries, and not the maritime, which need to fear surcharge of people; for all sea provinces, and especially islands, have another element besides the earth and soil, for their sustentation. For what an infinite number of people are, and may be, sustained by fishing, carriage by sea, and merchandising? Wherein again I do discover, that we are not at all

pinched by the multitude of people; for if we were, it were not possible that we should relinquish and resign such an infinite benefit of fishing to the Flemings, as it is well known we do. And therefore I see, that we have wastes by sea, as well as by land; which still is an infallible argument that our industry is not awakened to seek maintenance by any over-great press or charge of people. And lastly, Mr. Speaker, there was never any kingdom in the ages of the world had, I think, so fair and happy means to issue and discharge the multitude of their people, if it were too great, as this kingdom hath, in regard of that desolate and wasted kingdom of Ireland; which being a country blessed with almost all the dowries of nature, as rivers, havens, woods, quarries, good soil, and temperate climate, and now at last under his majesty blessed also with obedience, doth, as it were, continually call unto us for our colonies and plantations. And so I conclude my second answer to this pretended inconvenience, of surcharge of people.

The third answer, Mr. Speaker, which I give, is this: I demand what is the worst effect that can follow of surcharge of people? Look into all stories, and you shall find it none other than some honourable war for the enlargement of their borders, which find themselves pent, upon foreign parts; which inconvenience, in a valorous and warlike nation, I know not whether I should term an inconvenience or no; for the saying is most true, though in another sense, *Omne solum forti patria.* It was spoken indeed of the patience of an exiled man, but it is no less true of the valour of a warlike nation. And certainly, Mr. Speaker, I hope I may speak it without offence, that if we did hold ourselves worthy, whensoever just cause should be given, either to recover our ancient rights, or to revenge our late wrongs, or to attain the honour of our ancestors, or to enlarge the patrimony of our posterity, we would never in this manner forget considerations of amplitude and greatness, and fall at variance about profit and reckonings; fitter a great deal for private persons than for parliaments and king-

doms. And thus, Mr. Speaker, I leave this first objection to such satisfaction as you have heard.

The second objection is, that the fundamental laws of both these kingdoms of England and Scotland are yet diverse and several; nay more, that it is declared by the instrument, that they shall so continue, and that there is no intent in his majesty to make innovation in them: and therefore that it should not be seasonable to proceed to this naturalization, whereby to endow them with our rights and privileges, except they should likewise receive and submit themselves to our laws; and this objection likewise, Mr. Speaker, I allow to be a weighty objection, and worthy to be well answered and discussed.

The fundamental laws of England and Scotland are diverse and several.

The answer which I shall offer is this: It is true, for my own part, Mr. Speaker, that I wish the Scotish nation governed by our laws; for I hold our laws with some reducement worthy to govern, and it were the world: but this is that which I say, and I desire therein your attention, that, according to true reason of estate, naturalization is in order first and precedent to union of laws; in degree a less matter than union of laws; and in nature separable, not inseparable from union of laws; for naturalization doth but take out the marks of a foreigner, but union of laws makes them entirely as ourselves. Naturalization taketh away separation; but union of laws doth take away distinction. Do we not see, Mr. Speaker, that in the administration of the world under the great monarch God himself, that his laws are diverse; one law in spirits, another in bodies; one law in regions celestial, another in elementary; and yet the creatures are all one mass or lump, without any *vacuum* or separation? Do we not likewise see in the state of the Church, that amongst people of all languages and lineages there is one communion of saints, and that we are all fellow-citizens and naturalized of the heavenly Jerusalem; and yet nevertheless divers and several ecclesiastical laws, policies, and hierarchies, according to the speech of that worthy father, *In veste varietas sit, scissura non sit?* And therefore certainly, Mr. Speaker, the bond of law is the more special and

The answer to the second objection.

private bond, and the bond of naturalization the more common and general; for the laws are rather *figura reipublicæ* than *forma*, and rather bonds of perfection than bonds of entireness: and therefore we see in the experience of our own government, that in the kingdom of Ireland, all our statute laws, since Poyning's law, are not in force; and yet we deny them not the benefit of naturalization. In Guernsey and Jersey and the isle of Man, our common laws are not in force, and yet they have the benefit of naturalization; neither need any man doubt but that our laws and customs must in small time gather and win upon theirs; for here is the seat of the kingdom, whence come the supreme directions of estate: here is the king's person and example, of which the verse saith, *Regis ad exemplum totus componitur orbis.* And therefore it is not possible, although not by solemn and formal act of estates, yet by the secret operation of no long time, but they will come under the yoke of our laws, and so *dulcis tractus pari jugo.* And this is the answer I give to the second objection.

Inequality in the fortunes between England and Scotland.

The third objection is, some inequality in the fortunes of these two nations, England and Scotland, by the commixture whereof there may ensue advantage to them and loss to us. Wherein, Mr. Speaker, it is well that this difference or disparity consisteth but in the external goods of fortune: for indeed it must be confessed, that for the goods of the mind and the body, they are *alteri nos*, other ourselves; for to do them but right, we know in their capacities and understandings they are a people ingenious, in labour industrious, in courage valiant, in body hard, active, and comely. More might be said, but in commending them we do but in effect commend ourselves: for they are of one piece and continent with us; and the truth is, we are participant both of their virtues and vices. For if they have been noted to be a people not so tractable in government, we cannot, without flattering ourselves, free ourselves altogether from that fault, being a thing indeed incident to all martial people; as we see it evident by the example of the Romans and others; even

like unto fierce horses, that though they be of better service than others, yet are they harder to guide and manage.

But for this objection, Mr. Speaker, I purpose to answer it, not by the authority of Scriptures, which saith, *Beatius est dare quam accipere,* but by an authority framed and derived from the judgment of ourselves and our ancestors in the same case as to this point. For, Mr. Speaker, in all the line of our kings none useth to carry greater commendation than his majesty's noble progenitor king Edward the first of that name; and amongst his other commendations, both of war and policy, none is more celebrated than his purpose and enterprise for the conquest of Scotland, as not bending his designs to glorious acquests abroad, but to solid strength at home; which, nevertheless, if it had succeeded well, could not but have brought in all those inconveniences of the commixture of a more opulent kingdom with a less, that are now alledged. For it is not the yoke, either of our laws or arms, that can alter the nature of the climate or the nature of the soil; neither is it the manner of the commixture that can alter the matter of the commixture: and therefore, Mr. Speaker, if it were good for us then, it is good for us now, and not to be prised the less because we paid not so dear for it. But a more full answer to this objection I refer over to that, which will come after, to be spoken touching surety and greatness.

Laws or arms cannot alter the nature of climates.

The fourth objection, Mr. Speaker, is not properly an objection, but rather a pre-occupation of an objection of the other side; for it may be said, and very materially, Whereabout do we contend? The benefit of naturalization is by the law, in as many as have been or shall be born since his majesty's coming to the crown, already settled and invested. There is no more then but to bring the *ante-nati* into the degree of the *post-nati,* that men grown that have well deserved, may be in no worse case than children which have not deserved, and elder brothers in no worse case than younger brothers; so as we stand upon *quiddam,* not *quantum,* being but a little difference of time of one

generation from another. To this, Mr. Speaker, it is said by some, that the law is not so, but that the *post-nati* are aliens as well as the rest. A point that I mean not much to argue, both because it hath been well spoken to by the gentleman that spoke last before me; and because I do desire in this case and in this place to speak rather of conveniency than of law; only this I will say, that that opinion seems to me contrary to reason of law, contrary to form of pleading in law, and contrary to authority and experience of law. For reason of law, when I meditate of it, methinks the wisdom of the common laws of England well observed, is admirable in the distribution of the benefit and protection of the laws, according to the several conditions of persons, in an excellent proportion. The degrees are four, but bipartite, two of aliens and two of subjects.

The first degree of an alien.

The first degree is of an alien born under a king or state, that is an enemy. If such an one come into this kingdom without safe-conduct, it is at his peril: the law giveth him no protection, neither for body, lands, nor goods; so as if he be slain there is no remedy by any appeal at the party's suit, although his wife were an English woman: marry at the king's suit, the case may be otherwise in regard of the offence to the peace.

The second degree of an alien born under a state that is a friend.

The second degree is of an alien that is born under the faith and allegiance of a king or state that is a friend. Unto such a person the law doth impart a greater benefit and protection, that is, concerning things personal, transitory, and moveable, as goods and chattels, contracts, and the like, but not concerning freehold and inheritance. And the reason is, because he may be an enemy, though he be not; for the state under the obeisance of which he is, may enter into quarrel and hostility; and therefore as the law hath but a transitory assurance of him, so it rewards him but with transitory benefits.

The third degree of an alien subject.

The third degree is of a subject, who having been an alien, is made free by charter and denization. To such an one the law doth impart yet a more ample benefit;

or it gives him power to purchase freehold and inheritance to his own use, and likewise enables the children born after his denization to inherit. But yet nevertheless he cannot make title or convey pedigree from any ancestor paramount; for the law thinks not good to make him in the same degree with a subject born, because he was once an alien, and so might once have been an enemy: and *nemo subito fingitur*, mens affections cannot be so settled by any benefit, as when from their nativity they are inbred and inherent.

And the fourth degree, which is the perfect degree, is of such a person as neither is enemy, nor could have been enemy in time past, nor can be enemy in time to come; and therefore the law gives unto him the full benefit of naturalization. The fourth degree the perfect degree.

Now, Mr. Speaker, if these be the true steps and paces of the law, no man can deny but whosoever is born under the king's obedience, never could *in aliquo puncto temporis* be an enemy, a rebel he might be, but no enemy, and therefore in reason of law is naturalized. Nay, contrariwise, he is bound *jure nativitatis* to defend this kingdom of England against all invaders or rebels; and therefore as he is obliged to the protection of arms, and that perpetually and universally, so he is to have the perpetual and universal benefit and protection of law, which is naturalization.

For form of pleading, it is true that hath been said, that if a man would plead another to be an alien, he must not only set forth negatively and privatively, that he was born out of the obedience of our sovereign lord the king, but affirmatively, under the obedience of a foreign king or state in particular, which can never be done in this case.

As for authority, I will not press it; you know all what hath been published by the king's proclamation. And for experience of law we see it in the subjects of Ireland, in the subjects of Guernsey and Jersey, parcels of the duchy of Normandy; in the subjects of Calais, when it was English, which was parcel of the crown of France. But, as I said, I am not willing to enter into an argument of law, but to hold myself to

point of conveniency, so as for my part I hold all *post-nati* naturalized *ipso jure;* but yet I am far from opinion, that it should be a thing superfluous to have it done by parliament; chiefly in respect of that true principle of state, *Principum actiones præcipue ad famam sunt componendæ.* It will lift up a sign to all the world of our love towards them, and good agreement with them. And these are, Mr. Speaker, the material objections which have been made on the other side, whereunto you have heard my answers; weigh them in your wisdoms, and so I conclude that general part.

Now, Mr. Speaker, according as I promised, I must fill the other balance in expressing unto you the inconveniences which we shall incur, if we shall not proceed to this naturalization: wherein that inconvenience, which above all others, and alone by itself, if there were none other, doth exceedingly move me, and may move you, is a position of estate, collected out of the records of time, which is this: that wheresoever several kingdoms or estates have been united in sovereignty, if that union hath not been fortified and bound in with a farther union, and namely, that which is now in question, of naturalization, this hath followed, that at one time or other they have broken again, being upon all occasions apt to revolt and relapse to the former separation.

The union between the Romans and the Latins.

Of this assertion the first example which I will set before you, is of that memorable union which was between the Romans and the Latins, which continued from the battle at the lake of Regilla, for many years, unto the consulships of C. Plautius and L. Æmilius Mamercus.* At what time there began, about this very point of naturalization, that war which was called *Bellum sociale*, being the most bloody and pernicious war that ever the Roman state endured: wherein, after numbers of battles and infinite sieges and surprises of towns, the Romans in the end prevailed and mastered

* 169 years after that battle. There are extant at this day coins or medals, in memory of a battle fought by this C. Plautius at Privernum. Another copy hath *of T. Manlius and P. Decius.*

the Latins; but as soon as ever they had the honour of the war, looking back into what perdition and confusion they were near to have been brought, they presently naturalized them all. You speak of a naturalization in blood; there was a naturalization indeed in blood.

Let me set before you again the example of Sparta, and the rest of Peloponnesus their associates. The state of Sparta was a nice and jealous state in this point of imparting naturalization to their confederates. But what was the issue of it? After they had held them in a kind of society and amity for divers years, upon the first occasion given, which was no more than the surprisal of the castle of Thebes, by certain desperate conspirators in the habit of maskers, there ensued immediately a general revolt and defection of their associates; which was the ruin of their state, never afterwards to be recovered. Sparta and Peloponnesus.

Of later times let me lead your consideration to behold the like events in the kingdom of Arragon; which kingdom was united with Castile and the rest of Spain in the persons of Ferdinando and Isabella, and so continued many years; but yet so as it stood a kingdom severed and divided from the rest of the body of Spain in privileges, and directly in this point of naturalization, or capacity of inheritance. What came of this? Thus much, that now of fresh memory, not past twelve years since, only upon the voice of a condemned man out of the grate of a prison towards the street, that cried, *Fueros, Libertad, Libertad,* which is as much as, liberties or privileges, there was raised a dangerous rebellion, which was suppressed with great difficulty with an army royal. After which victory nevertheless, to shun farther inconvenience, their privileges were disannulled, and they were incorporated with Castile and the rest of Spain. Upon so small a spark, notwithstanding so long continuance, were they ready to break and sever again. The union of the kingdom of Arragon.

The like may be said of the states of Florence and Pisa, which city of Pisa being united unto Florence, but not endowed with the benefit of naturalization, Florence and Pisa.

upon the first light of foreign assistance, by the expedition of Charles VIII. of France into Italy, did revolt; though it be since again re-united and incorporated.

The like effect in barbarous governments.

The same effect we see in the most barbarous government, which shews it the rather to be an effect of nature; for it was thought a fit policy by the council of Constantinople, to retain the three provinces of Transylvania, Wallachia, and Moldavia, which were as the very nurses of Constantinople, in respect of their provisions, to the end they might be the less wasted, only under Waywoods as vassals and homagers, and not under Bashaws, as provinces of the Turkish empire: which policy we see by late experience proved unfortunate, as appeared by the revolt of the same three provinces, under the arms and conduct of Sigismond prince of Transylvania; a leader very famous for a time; which revolt is not yet fully recovered. Whereas we seldom or never hear of revolts of provinces incorporate to the Turkish empire.

On the other part, Mr. Speaker, because it is true what the logicians say, *Opposita juxta se posita magis elucescunt:* let us take a view, and we shall find that wheresoever kingdoms and states have been united, and that union corroborate by the bond of mutual naturalization, you shall never observe them afterwards, upon any occasion of trouble or otherwise, to break and sever again: as we see most evidently before our eyes, in divers provinces of France, that is to say, Guienne, Provence, Normandy, Britain, which, notwithstanding the infinite infesting troubles of that kingdom, never offered to break again.

Naturalization a sure bond.

We see the like effect in all the kingdoms of Spain, which are mutually naturalized, as Leon, Castile, Valentia, Andalusia, Granada, Murcia, Toledo, Catalonia, and the rest, except Arragon, which held the contrary course, and therefore had the contrary success, as was said, and Portugal, of which there is not yet sufficient trial. And lastly, we see the like effect in our own nation, which never rent asunder after it was once united; so as we now scarce know whether the heptarchy were a true

England never severed after once united.

story or a fable. And therefore, Mr. Speaker, when I revolve with myself these examples and others, so lively expressing the necessity of a naturalization to avoid a relapse into a separation; and do hear so many arguments and scruples made on the other side; it makes me think on the old bishop, which, upon a public disputation of certain Christian divines with some learned men of the heathen, did extremely press to be heard; and they were loth to suffer him, because they knew he was unlearned, though otherwise an holy and well-meaning man: but at last, with much ado, he got to be heard; and when he came to speak, instead of using argument, he did only say over his belief: but did it with such assurance and constancy, as it did strike the minds of those that heard him more than any argument had done. And so, Mr. Speaker, against all these witty and subtle arguments, I say, that I do believe, and I would be sorry to be found a prophet in it, that except we proceed with this naturalization, though perhaps not in his majesty's time, who hath such interest in both nations, yet in the time of his descendants these realms will be in continual danger to divide and break again. Now if any man be of that careless mind, *Maneat nostros ea cura nepotes;* or of that hard mind, to leave things to be tried by the sharpest sword: sure I am, he is not of St. Paul's opinion, who affirmeth, that whosoever useth not fore-sight and provision for his family, is worse than an unbeliever; much more, if we shall not use fore-sight for these two kingdoms, that comprehend in them so many families, but leave things open to the peril of future divisions. And thus have I expressed unto you the inconvenience, which, of all others, sinketh deepest with me as the most weighty: neither do there want other inconveniences, Mr. Speaker, the effects and influence whereof, I fear, will not be adjourned to so long a day as this that I have spoken of: for I leave it to your wisdom to consider whether you do not think, in case, by the denial of this naturalization, any pique, alienation, or unkindness, I do not say should be, but should be thought to be, or

noised to be between these two nations, whether it will not quicken and excite all the envious and malicious humours, wheresoever, which are now covered, against us, either foreign or at home; and so open the way to practices and other engines and machinations, to the disturbance of this state? As for that other inconvenience of his majesty's engagement to this action, it is too binding and too pressing to be spoken of, and may do better a great deal in your minds than in my mouth, or in the mouth of any man else; because, as I say, it doth press our liberty too far. And therefore, Mr. Speaker, I come now to the third general part of my division, concerning the benefits which we shall purchase by this knitting of the knot surer and straiter between these two kingdoms, by the communicating of naturalization: the benefits may appear to be two, the one surety, the other greatness.

A binding inconvenience.

The benefit of surety.

Touching surety, Mr. Speaker, it was well said by Titus Quintius the Roman, touching the state of Peloponnesus, that the tortoise is safe within her shell, *Testudo intra tegumen tuta est;* but if there be any parts that lie open, they endanger all the rest. We know well, that although the state at this time be in a happy peace, yet for the time past, the more ancient enemy to this kingdom hath been the French, and the more late the Spaniard; and both these had as it were their several postern gates, whereby they might have approach and entrance to annoy us. France had Scotland, and Spain had Ireland; for these were the two accesses which did comfort and encourage both these enemies to assail and trouble us. We see that of Scotland is cut off by the union of these two kingdoms, if that it shall be now made constant and permanent; that of Ireland is cut off likewise by the convenient situation of the west of Scotland towards the north of Ireland, where the sore was: which we see, being suddenly closed, hath continued closed by means of this salve; so that as now there are no parts of this state exposed to danger to be a temptation to the ambition of foreigners, but their approaches and avenues are taken away: for I do little doubt but

those foreigners which had so little success when they had those advantages, will have much less comfort now that they be taken from them: and so much for surety.

The benefit of greatness.

For greatness, Mr. Speaker, I think a man may speak it soberly and without bravery, that this kingdom of England, having Scotland united, Ireland reduced, the sea provinces of the Low Countries contracted, and shipping maintained, is one of the greatest monarchies, in forces truly esteemed, that hath been in the world. For certainly the kingdoms here on earth have a resemblance with the kingdom of heaven, which our Saviour compareth, not to any great kernel or nut, but to a very small grain, yet such an one as is apt to grow and spread; and such do I take to be the constitution of this kingdom; if indeed we shall refer our counsels to greatness and power, and not quench them too much with the consideration of utility and wealth. For, Mr. Speaker, was it not, think you, a true answer that Solon of Greece made to the rich king Crœsus of Lydia, when he shewed unto him a great quantity of gold that he had gathered together, in ostentation of his greatness and might? But Solon said to him, contrary to his expectation, "Why, Sir, "if another come that hath better iron than you, he "will be lord of all your gold." Neither is the authority of Machiavel to be despised, who scorneth that proverb of state, taken first from a speech of Mucianus, That moneys are the sinews of war; and saith, "There are no true sinews of war, but the very "sinews of the arms of valiant men."

The beginning of monarchies founded in poverty.

Nay more, Mr. Speaker, whosoever shall look into the seminaries and beginnings of the monarchies of the world, he shall find them founded in poverty.

Persia, a country barren and poor, in respect of Media, which they subdued.

Macedon.

Macedon, a kingdom ignoble and mercenary until the time of Philip the son of Amyntas.

Rome.

Rome had poor and pastoral beginnings.

The Turks.

The Turks, a band of Sarmatian Scythes, that in a vagabond manner made incursion upon that part of

Asia, which is yet called Turcomania; out of which after much variety of fortune, sprung the Ottoman family, now the terror of the world.

So, we know, the Goths, Vandals, Alans, Huns, Lombards, Normans, and the rest of the northern people, in one age of the world made their descent or expedition upon the Roman empire, and came not, as rovers, to carry away prey, and be gone again; but planted themselves in a number of rich and fruitful provinces, where not only their generations, but their names, remain to this day; witness Lombardy, Catalonia, a name compounded of Goth and Alan, Andalusia, a name corrupted from Vandalitia, Hungaria, Normandy, and others.

The Switzers.

Nay, the fortune of the Swisses of late years, which are bred in a barren and mountainous country, is not to be forgotten; who first ruined the duke of Burgundy, the same who had almost ruined the kingdom of France, what time, after the battle near Granson, the rich jewel of Burgundy, prized at many thousands, was sold for a few pence by a common Swiss, that knew no more what a jewel meant than did Æsop's cock. And again, the same nation, in revenge of a scorn, was the ruin of the French king's affairs in Italy, Lewis XII. For that king, when he was pressed somewhat rudely by an agent of the Switzers to raise their pensions, brake into words of choler: "What," saith he, "will these villains of the mountains put a "tax upon me?" Which words lost him his dutchy of Milan, and chased him out of Italy.

All which examples, Mr. Speaker, do well prove Solon's opinion of the authority and mastery that iron hath over gold. And therefore, if I shall speak unto you mine own heart, methinks we should a little disdain that the nation of Spain, which howsoever of late it hath grown to rule, yet of ancient time served many ages; first under Carthage, then under Rome, after under Saracens, Goths, and others, should of late years take unto themselves that spirit as to dream of a monarchy in the west, according to that device, *Video solem orientem in occidente,* only because they

have ravished from some wild and unarmed people mines and store of gold; and on the other side, that this island of Britain, seated and manned as it is, and that hath, I make no question, the best iron in the world, that is, the best soldiers in the world, shall think of nothing but reckonings and audits, and *meum et tuum*, and I cannot tell what.

Mr. Speaker, I have, I take it, gone through the parts which I propounded to myself, wherein if any man shall think that I have sung a *placebo*, for mine own particular, I would have him know that I am not so unseen in the world, but that I discern it were much alike for my private fortune to rest a *tacebo*, as to sing a *placebo* in this business: but I have spoken out of the fountain of my heart, *Credidi propter quod locutus sum:* I believed, therefore I spake. So as my duty is performed; the judgment is yours; God direct it for the best.

A

SPEECH

USED BY

SIR FRANCIS BACON, KNIGHT,

IN THE LOWER HOUSE OF PARLIAMENT,

By Occasion of a Motion concerning the

UNION OF LAWS.

AND it please you, Mr. Speaker, were it now a time to wish, as it is to advise, no man should be more forward or more earnest than myself in this wish, that his majesty's subjects of England and Scotland were governed by one law: and that for many reasons.

First, Because it will be an infallible assurance that there will never be any relapse in succeeding ages to a separation.

Secondly, *Dulcis tractus pari jugo.* If the draught lie most upon us, and the yoke lie lightest on them, it is not equal.

Thirdly, the qualities, and, as I may term it, the elements of their laws and ours are such, as do promise an excellent temperature in the compounded body: for if the prerogative here be too indefinite, it may be the liberty there is too unbounded; if our laws and proceedings be too prolix and formal, it may be theirs are too informal and summary.

Fourthly, I do discern to my understanding, there will be no great difficulty in this work; for their laws, by that I can learn, compared with ours, are like their language compared with ours: for as their language hath the same roots that ours hath, but hath a little more mixture of Latin and French; so their laws and customs have the like grounds that ours have, with

a little more mixture of the civil law and French customs.

Lastly, The mean to this work seemeth to me no less excellent than the work itself: for if both laws shall be united, it is of necessity for preparation and inducement thereunto, that our own laws be reviewed and re-compiled; than the which I think there cannot be a work, that his majesty can undertake in these his times of peace, more politic, more honourable, nor more beneficial to his subjects for all ages:

Pace data terris, animum ad civilia vertit
Jura suum, legesque tulit justissimus auctor.

For this continual heaping up of laws without digesting them, maketh but a chaos and confusion, and turneth the laws many times to become but snares for the people, as is said in the Scripture, *Pluet super eos laqueos.* Now *Non sunt pejores laquei, quam laquei legum.* And therefore this work I esteem to be indeed a work, rightly to term it, heroical. So that for this good wish of union of laws I do consent to the full: And I think you may perceive by that which I have said, that I come not in this to the opinion of others, but that I was long ago settled in it myself: nevertheless, as this is moved out of zeal, so I take it to be moved out of time, as commonly zealous motions are, while men are so fast carried on to the end, as they give no attention to the mean: for if it be time to talk of this now, it is either because the business now in hand cannot proceed without it, or because in time and order this matter should be precedent, or because we shall lose some advantage towards this effect so much desired, if we should go on in the course we are about. But none of these three in my judgment are true; and therefore the motion, as I said, unseasonable.

For first, that there may not be a naturalization without an union in laws, cannot be maintained. Look into the example of the Church and the union thereof. You shall see several Churches, that join in one faith, one baptism, which are the points of spiritual natural-

ization, do many times in policy, constitutions, and customs differ: and therefore one of the fathers made an excellent observation upon the two mysteries; the one, that in the gospel, where the garment of Christ is said to have been without seam; the other, that in the psalm, where the garment of the queen is said to have been of divers colours; and concludeth, *In veste varietas sit, scissura non sit.* So in this case, Mr. Speaker, we are now in hand to make this monarchy of one piece, and not of one colour. Look again into the examples of foreign countries, and take that next us of France, and there you shall find that they have this distribution, *pais du droit escrit*, and *pais du droit coustumier*. For Gascoigne, Languedoc, Provence, Dauphiny, are countries governed by the letter, or text of the civil law: but the isle of France, Tourain, Berry, Anjou, and the rest, and most of all Britainy and Normandy are governed by customs, which amount to a municipal law, and use the civil law but only for grounds, and to decide new and rare cases; and yet nevertheless naturalization passeth through all.

Secondly, that this union of laws should precede the naturalization, or that it should go on *pari passu*, hand in hand, I suppose likewise, can hardly be maintained: but the contrary, that naturalization ought to precede, and that not in the precedence of an instant; but in distance of time: of which my opinion, as I could yield many reasons, so because all this is but a digression, and therefore ought to be short, I will hold myself now only to one, which is briefly and plainly this; that the union of laws will ask a great time to be perfected, both for the compiling and for the passing of them. During all which time, if this mark of strangers should be denied to be taken away, I fear it may induce such a habit of strangeness, as will rather be an impediment than a preparation to farther proceeding: for he was a wise man that said, *Opportuni magnis conatibus transitus rerum*, and in these cases, *non progredi, est regredi.* And like as in a pair of tables, you must put out the former writing before you can put in new; and again, that which you write in, you write letter by

letter; but that which you put out, you put out at once: so we have now to deal with the tables of mens hearts, wherein it is in vain to think you can enter the willing acceptance of our laws and customs, except you first put forth all notes either of hostility or foreign condition: and these are to be put out *simul et semel*, at once without gradations; whereas the other points are to be imprinted and engraven distinctly and by degrees.

Thirdly, Whereas it is conceived by some, that the communication of our benefits and privileges is a good hold that we have over them to draw them to submit themselves to our laws, it is an argument of some probability, but yet to be answered many ways. For first, the intent is mistaken, which is not, as I conceive it, to draw them wholly to a subjection to our laws, but to draw both nations to one uniformity of law. Again, to think that there should be a kind of articulate and indented contract, that they should receive our laws to obtain our privileges, it is a matter in reason of estate not to be expected, being that which scarcely a private man will acknowledge, if it come to that whereof Seneca speaketh, *Beneficium accipere est libertatem vendere.* No, but courses of estate do describe and delineate another way, which is, to win them either by benefit or by custom: for we see in all creatures that men do feed them first, and reclaim them after. And so in the first institution of kingdoms, kings did first win people by many benefits and protections, before they pressed any yoke. And for custom, which the poet calls *imponere morem;* who doubts but that the seat of the kingdom, and the example of the king resting here with us, our manners will quickly be there, to make all things ready for our laws? And lastly, the naturalization, which is now propounded, is qualified with such restrictions as there will be enough kept back to be used at all times for an adamant of drawing them farther on to our desires. And therefore to conclude, I hold this motion of union of laws very worthy, and arising from very good minds; but yet not proper for this time.

To come therefore to that, which is now in question, it is no more but whether there should be a difference made, in this privilege of naturalization, between the *ante-nati* and the *post-nati*, not in point of law, for that will otherwise be decided, but only in point of convenience; as if a law were now to be made *de novo*. In which question I will at this time only answer two objections, and use two arguments, and so leave it to your judgment.

The first objection hath been, that if a difference should be, it ought to be in favour of the *ante-nati*, because they are persons of merit, service, and proof; whereas the *post-nati* are infants, that, as the Scripture saith, know not the right hand from the left.

This were good reason, Mr. Speaker, if the question were of naturalizing some particular persons by a private bill; but it hath no proportion with the general case; for now we are not to look to respects that are proper to some, but to those which are common to all. Now then how can it be imagined, but that those, which took their first breath since this happy union, inherent in his majesty's person, must be more assured and affectionate to this kingdom, than those generally can be presumed to be, which were sometimes strangers? for *Nemo subito fingitur:* the conversions of minds are not so swift as the conversions of times. Nay in effects of grace, which exceed far the effects of nature, we see St. Paul makes a difference between those he calls Neophytes, that is, newly grafted into Christianity, and those that are brought up in the faith. And so we see by the laws of the Church that the children of Christians shall be baptized in regard of the faith of their parents: but the child of an ethnic may not receive baptism till he be able to make an understanding profession of his faith.

Another objection hath been made, that we ought to be more provident and reserved to restrain the *post-nati* than the *ante-nati;* because during his majesty's time, being a prince of so approved wisdom and judgment, we need no better caution than the confidence

we may repose in him; but in the future reigns of succeeding ages, our caution must be *in re* and not *in persona.*

But, Mr. Speaker, to this I answer, that as we cannot expect a prince hereafter less like to err in respect of his judgment; so again, we cannot expect a prince so like to exceed, if I may so term it, in this point of beneficence to that nation, in respect of the occasion. For whereas all princes and all men are won either by merit or conversation, there is no appearance, that any of his majesty's descendants can have either of these causes of bounty towards that nation in so ample degree as his majesty hath. And these be the two objections, which seemed to me most material, why the *post-nati* should be left free, and not be concluded in the same restrictions with the *ante-nati;* whereunto you have heard the answers.

The two reasons, which I will use on the other side, are briefly these: the one being a reason of common sense; the other, a reason of estate.

We see, Mr. Speaker, the time of the nativity is in most cases principally regarded. In nature, the time of planting and setting is chiefly observed; and we see the astrologers pretend to judge of the fortune of the party by the time of the nativity. In laws, we may not unfitly apply the case of legitimation to the case of naturalization; for it is true that the common canon law doth put the *ante-natus* and the *post-natus* in one degree. But when it was moved to the parliament of England, *Barones una voce responderunt, Nolumus leges Angliæ mutare.* And though it must be confessed that the *ante-nati* and *post-nati* are in the same degree in dignities; yet were they never so in abilities: for no man doubts, but the son of an earl or baron, before his creation or call, shall inherit the dignity, as well as the son born after. But the son of an attainted person, born before the attainder, shall not inherit, as the after-born shall, notwithstanding charter of pardon.

The reason of estate is, that any restriction of the

ante-nati is temporary, and expireth with this generation; but if you make it in the *post-nati* also, you do but in substance pen a perpetuity of separation.

Mr. Speaker, in this point I have been short, because I little expected this doubt, as to point of convenience; and therefore will not much labour, where I suppose there is no greater opposition.

CERTAIN

CONSIDERATIONS

TOUCHING THE

PLANTATION IN IRELAND.

PRESENTED TO HIS MAJESTY, 1606.

TO THE KING.

' seemeth God hath reserved to your majesty's times
'o works, which amongst the works of kings have the
preme pre-eminence; the union, and the plantation
kingdoms. For although it be a great fortune for a
ng to deliver or recover his kingdom from long con-
ıued calamities: yet in the judgment of those that
ve distinguished of the degrees of sovereign honour,
be a founder of estates or kingdoms, excelleth all
e rest. For, as in arts and sciences, to be the first
ventor is more than to illustrate or amplify: and as
the works of God, the creation is greater than the
eservation; and as in the works of nature, the birth
d nativity is more than the continuance: so in king-
ms, the first foundation or plantation is of more noble
gnity and merit than all that followeth. Of which
undations there being but two kinds; the first, that
aketh one of more; and the second, that maketh
e of none: the latter resembling the creation of the
orld, which was *de nihilo ad quid;* and the former,
e edification of the Church, which was *de multiplici
l simplex, vel ad unum:* it hath pleased the divine
ovidence, in singular favour to your majesty, to put
th these kinds of foundations or regenerations into
ur hand: the one, in the union of the island of
itain; the other, in the plantation of great and noble
rts of the island of Ireland. Which enterprises be-
g once happily accomplished, then that which was
tered by one of the best orators, in one of the worst

verses, *O fortunatam natam me consule Romam!* may be far more truly and properly applied to your majesty's acts; *natam te rege Britanniam; natam Hiberniam.* For he spake improperly of deliverance and preservation; but in these acts of yours it may be verified more naturally. For indeed unions and plantations are the very nativities or birth-days of kingdoms: wherein likewise your majesty hath yet a fortune extraordinary, and differing from former examples in the same kind. For most part of unions and plantations of kingdoms have been founded in the effusion of blood: but your majesty shall build *in solo puro, et in area pura,* that shall need no sacrifices expiatory for blood; and therefore, no doubt, under an higher and more assured blessing. Wherefore, as I adventured, when I was less known and less particularly bound to your majesty, than since by your undeserved favour I have been, to write somewhat touching the union, which your majesty was pleased graciously to accept, and which since I have to my power seconded by my travails, not only in discourse, but in action: so I am thereby encouraged to do the like, touching this matter of plantation; hoping that your majesty will, through the weakness of my ability, discern the strength of my affection, and the honest and fervent desire I have to see your majesty's person, name, and times, blessed and exalted above those of your royal progenitors. And I was the rather invited this to do, by the remembrance, that when the lord Chief Justice deceased, Popham, served in the place wherein I now serve, and afterwards in the attorney's place; he laboured greatly in the last project, touching the plantation of Munster: which nevertheless, as it seemeth, hath given more light by the errors thereof, what to avoid, than by the direction of the same, what to follow.

First therefore, I will speak somewhat of the excellency of the work, and then of the means to compass and effect it.

For the excellency of the work, I will divide it into four noble and worthy consequences that will follow thereupon.

The first of the four, is honour; whereof I have spoken enough already, were it not that the harp of Ireland puts me in mind of that glorious emblem or allegory, wherein the wisdom of antiquity did figure and shadow out works of this nature. For the poets feigned that Orpheus, by the virtue and sweetness of his harp, did call and assemble the beasts and birds, of their nature wild and savage, to stand about him, as in a theatre; forgetting their affections of fierceness, of lust, and of prey; and listening to the tunes and harmonies of the harp; and soon after called likewise the stones and woods to remove, and stand in order about him: which fable was anciently interpreted of the reducing and plantation of kingdoms; when people of barbarous manners are brought to give over and discontinue their customs of revenge and blood, and of dissolute life, and of theft, and of rapine; and to give ear to the wisdom of laws and governments; whereupon immediately followeth the calling of stones for building and habitation; and of trees for the seats of houses, orchards, and inclosures, and the like. This work therefore, of all other most memorable and honourable, your majesty hath now in hand; especially, if your majesty join the harp of David, in casting out the evil spirit of superstition, with the harp of Orpheus, in casting out desolation and barbarism.

The second consequence of this enterprise, is the avoiding of an inconvenience, which commonly attendeth upon happy times, and is an evil effect of a good cause. The revolution of this present age seemeth to incline to peace, almost generally in these parts; and your majesty's most Christian and virtuous affections do promise the same more especially to these your kingdoms. An effect of peace in fruitful kingdoms, where the stock of people, receiving no consumption nor diminution by war, doth continually multiply and increase, must in the end be a surcharge or overflow of people more than the territories can well maintain; which many times, insinuating a general necessity and want of means into all estates, doth turn external peace into internal troubles and seditions.

Now what an excellent diversion of this inconvenience is ministred, by God's providence, to your majesty, in this plantation of Ireland? wherein so many families may receive sustentation and fortunes; and the discharge of them also out of England and Scotland may prevent many seeds of future perturbations: so that it is, as if a man were troubled for the avoidance of water from the place where he hath built his house, and afterwards should advise with himself to cast those waters, and to turn them into fair pools or streams, for pleasure, provision, or use. So shall your majesty in this work have a double commodity, in the avoidance of people here, and in making use of them there.

The third consequence is the great safety that is like to grow to your majesty's estate in general by this act; in discomfiting all hostile attempts of foreigners, which the weakness of that kingdom hath heretofore invited: wherein I shall not need to fetch reasons afar off, either for the general or particular. For the general, because nothing is more evident than that, which one of the Romans said of Peloponnesus: *Testudo intra tegumen tuta est;* the tortoise is safe within her shell: but if she put forth any part of her body, then it endangereth not only the part which is so put forth, but all the rest. And so we see in armour, if any part be left naked, it puts in hazard the whole person. And in the natural body of man, if there be any weak or affected part, it is enough to draw rheums or malign humours unto it, to the interruption of the health of the whole body.

And for the particular, the example is too fresh, that the indisposition of that kingdom hath been a continual attractive of troubles and infestations upon this estate; and though your majesty's greatness doth in some sort discharge this fear, yet with your increase of power it cannot be, but envy is likewise increased.

The fourth and last consequence is the great profit and strength which is like to redound to your crown, by the working upon this unpolished part thereof: whereof your majesty, being in the strength of your years, are like, by the good pleasure of almighty God,

to receive more than the first-fruits; and your posterity a growing and springing vein of riches and power. For this island being another Britain, as Britain was said to be another world, is endowed with so many dowries of nature, considering the fruitfulness of the soil, the ports, the rivers, the fishings, the quarries, the woods, and other materials; and especially the race and generation of men, valiant, hard, and active, as it is not easy, no not upon the continent, to find such confluence of commodities, if the hand of man did join with the hand of nature. So then for the excellency of the work, in point of honour, policy, safety, and utility, here I cease.

For the means to effect this work, I know your majesty shall not want the information of persons expert and industrious, which have served you there, and know the region: nor the advice of a grave and prudent council of estate here; which know the pulses of the hearts of people, and the ways and passages of conducting great actions: besides that which is above all, which is that fountain of wisdom and universality which is in yourself; yet notwithstanding in a thing of so public a nature, it is not amiss for your majesty to hear variety of opinion: for, as Demosthenes saith well, the good fortune of a prince or state doth sometimes put a good motion into a fool's mouth. I do think therefore the means of accomplishing this work consisteth of two principal parts. The first, the invitation and encouragement of undertakers; the second, the order and policy of the project itself. For as in all engines of the hand there is somewhat that giveth the motion and force, and the rest serveth to guide and govern the same: so it is in these enterprises or engines of estate. As for the former of these, there is no doubt, but next unto the providence and finger of God, which writeth these virtuous and excellent desires in the tables of your majesty's heart; your authority and affection is *primus motor* in this cause; and therefore the more strongly and fully your majesty shall declare yourself in it, the more shall you quicken and animate

the whole proceeding. For this is an action, which as the worthiness of it doth bear it, so the nature of it requireth it to be carried in some height of reputation, and fit, in mine opinion, for pulpits and parliaments, and all places to ring and resound of it. For that which may seem vanity in some things, I mean matter of fame, is of great efficacy in this case.

But now let me descend to the inferior spheres, and speak what co-operation in the subjects or undertakers may be raised and kindled, and by what means. Therefore to take plain grounds, which are the surest: all men are drawn into actions by three things, pleasure, honour, and profit. But before I pursue these three motives, it is fit in this place to interlace a word or two of the quality of the undertakers: wherein my opinion simply is, that if your majesty shall make these portions of land, which are to be planted, as rewards or as suits, or as fortunes for those that are in want, and are likeliest to seek after them; that they will not be able to go through with the charge of good and substantial plantations, but will *deficere in opere medio;* and then this work will succeed, as Tacitus saith, *acribus initiis, fine incurioso.* So that this must rather be an adventure for such as are full, than a setting up of those that are low of means: for those men indeed are fit to perform these undertakings, which were fit to purchase dry reversions after lives or years, or such as were fit to put out money upon long returns.

I do not say, but that I think the undertakers themselves will be glad to have some captains, or men of service, intermixed among them for their safety; but I speak of the generality of undertakers, which I wish were men of estate and plenty.

Now therefore it followeth well to speak of the aforesaid three motives. For it will appear the more, how necessary it is to allure by all means undertakers: since those men will be least fit, which are like to be most in appetite of themselves; and those most fit, which are like least to desire it.

First, therefore, for pleasure: in this region or tract of soil, there are no warm winters, nor orange-trees,

nor strange beasts, or birds, or other points of curiosity or pleasure, as there are in the Indies and the like: so as there can be found no foundation made upon matter of pleasure, otherwise than that the very general desire of novelty and experiment in some stirring natures may work somewhat; and therefore it is the other two points, of honour and profit, whereupon we are wholly to rest.

For honour or countenance, if I shall mention to your majesty, whether in wisdom you shall think convenient, the better to express your affection to the enterprise, and for a pledge thereof, to add the earldom of Ulster to the prince's titles, I shall but learn it out of the practice of king Edward I. who first used the like course, as a mean the better to restrain the country of Wales: and I take it, the prince of Spain hath the addition of a province in the kingdom of Naples: and other precedents I think there are: and it is like to put more life and encouragement into the undertakers.

Also, considering the large territories which are to be planted, it is not unlike your majesty will think of raising some nobility there; which, if it be done merely upon new titles of dignity, having no manner of reference to the old; and if it be done also without putting too many portions into one hand: and lastly, if it be done without any great franchises or commands, I do not see any peril can ensue thereof. As on the other side, it is like it may draw some persons of great estate and means into the action, to the great furtherance and supply of the charges thereof.

And lastly for knighthood, to such persons as have not attained it; or otherwise knighthood, with some new difference and precedence, it may, no doubt, work with many. And if any man think, that these things which I propound, are *aliquid nimis* for the proportion of this action, I confess plainly, that if your majesty will have it really and effectually performed, my opinion is, you cannot bestow too much sunshine upon it. For *lunae radiis non maturescit botrus.* Thus much for honour.

For profit, it will consist in three parts:

First, The easy rates that your majesty shall be pleased to give the undertakers of the land they shall receive.

Secondly, The liberties which you may be pleased to confer upon them. When I speak of liberties, I mean not liberties of jurisdiction; as counties palatine, or the like, which it seemeth hath been the error of the ancient donations and plantations in that country, but I mean only liberties tending to commodity; as liberty to transport any of the commodities growing upon the countries new planted; liberty to import from hence all things appertaining to their necessary use, custom-free; liberty to take timber or other materials in your majesty's woods there, and the like.

The third is, ease of charge; that the whole mass of charge doth not rest upon the private purse of the undertakers.

For the two former of these, I will pass them over; because in that project, which with good diligence and providence hath been presented to your majesty by your ministers of that kingdom, they are in my opinion well handled.

For the third, I will never despair, but that the parliament of England, if it may perceive, that this action is not a flash, but a solid and settled pursuit, will give aid to a work so religious, so politic, and so profitable. And the distribution of charge, if it be observed, falleth naturally into three kinds of charge, and every of those charges respectively ought to have his proper fountain and issue. For as there proceedeth from your majesty's royal bounty and munificence, the gift of the land, and the other materials; together with the endowment of liberties; and as the charge which is private, as building of houses, stocking of grounds, victual, and the like, is to rest upon the particular undertakers: so whatsoever is public, as building of churches, walling of towns, town-houses, bridges, causeways, or highways, and the like, ought not so properly to lie upon particular persons, but to come from the public estate of this kingdom; to which

this work is like to return so great an addition of glory, strength, and commodity.

For the project itself, I shall need to speak the less, in regard it is so considerately digested already for the county of Tyrone: and therefore my labour shall be but in those things wherein I shall either add to, or dissent from that which is set down; which will include five points or articles.

First, they mention a commission for this plantation: which of all things is most necessary, both to direct, and appease controversies, and the like.

To this I add two propositions: the one, that which perhaps is meant, though not expressed, that the commissioners should for certain times reside and abide in some habitable town of Ireland, near in distance to the country where the plantation shall be; to the end, both that they may be more at hand, for the execution of the parts of their commission; and withal it is like, by drawing a concourse of people and tradesmen to such towns, it will be some help and commodity to the undertakers for things they shall stand in need of: and likewise, it will be a more safe place of receit and store, wherein to unlade and deposite such provisions as are after to be employed.

The second is, that your majesty would make a correspondency between the commission there, and a council of plantation here: wherein I warrant myself by the precedent of the like council of plantation for Virginia; an enterprise in my opinion differing as much from this, as Amadis de Gaul differs from Cæsar's Commentaries. But when I speak of a council of plantation, I mean some persons chosen by way of reference, upon whom the labour may rest, to prepare and report things to the council of estate here, that concern that business. For although your majesty have a grave and sufficient council in Ireland; from whom, and upon whom, the commissioners are to have assistance and dependence; yet that supplies not the purpose whereof I speak. For, considering, that upon the advertisements, as well of the commissioners, as of the council of Ireland itself, there will be many

occasions to crave directions from your majesty and your privy council here, which are busied with a world of affairs; it cannot but give greater expedition, and some better perfection unto such directions and resolutions, if the matters may be considered of aforehand by such as may have a continual care of the cause. And it will be likewise a comfort and satisfaction to some principal undertakers, if they may be admitted of that council.

Secondly, There is a clause wherein the undertakers are restrained, that they shall execute the plantation in person; from which I must dissent, if I will consent with the grounds I have already taken. For it is not probable that men of great means and plentiful estate will endure the travel, diseasements, and adventures of going thither in person; but rather, I suppose, many will undertake portions as an advancement for their younger children or kinsfolks; or for the sweetness of the expectation of a great bargain in the end, when it is overcome. And therefore, it is like they will employ sons, kinsfolks, servants, or tenants, and yet be glad to have the estate in themselves. And it may be, some again will join their purses together, and make as it were a partnership or joint-adventure; and yet man forth some one person by consent, for the executing of the plantation.

Thirdly, There is a main point, wherein I fear the project made hath too much of the line and compass, and will not be so natural and easy to execute, nor yet so politic and convenient: and that is, that the buildings should be *sparsim* upon every portion; and the castle or principal house should draw the tenements and farms about it as it were into villages, hamlets, or endships; and that there should be only four corporate towns for the artificers and tradesmen.

My opinion is, that the buildings be altogether in towns, to be compounded as well of husbandries as of arts. My reasons are,

First, When men come into a country vast, and void of all things necessary for the use of man's life,

if they set up together in a place, one of them will the better supply the wants of another: work-folks of all sorts will be the more continually on work without loss of time; when, if work fail in one place, they may have it fast by; the ways will be made more passable for carriages to those seats or towns, than they can be to a number of dispersed solitary places; and infinite other helps and easements, scarcely to be comprehended in cogitation, will ensue in vicinity and society of people; whereas if they build scattered, as is projected, every man must have a *cornucopia* in himself for all things he must use; which cannot but breed much difficulty, and no less waste.

Secondly, it will draw out of the inhabited country of Ireland provisions and victuals, and many necessaries; because they shall be sure of utterance: whereas in the dispersed habitations, every man must reckon only upon that that he brings with him, as they do in provisions of ships.

Thirdly, the charge of bawnes, as they call them, to be made about every castle or house, may be spared, when the habitations shall be congregated only into towns.

And lastly, it will be a means to secure the country against future perils, in case of any revolt and defection: for by a slight fortification of no great charge, the danger of any attempts of kierns and sword-men may be prevented; the omission of which point, in the last plantation of Munster, made the work of years to be but the spoil of days. And if any man think it will draw people too far off from the grounds they are to labour, it is to be understood, that the number of the towns be increased accordingly; and likewise, the situation of them be as in the centre, in respect of the portions assigned to them: for in the champaign countries of England, where the habitation useth to be in towns, and not dispersed, it is no new thing to go two miles off to plough part of their grounds; and two miles compass will take up a good deal of country.

The fourth point, is a point wherein I shall differ from the project rather in quantity and proportion, than in matter. There is allowed to the undertaker, within the five years of restraint, to alien a third part in fee farm, and to demise another third for forty years: which I fear will mangle the portions, and will be but a shift to make money of two parts; whereas, I am of opinion, the more the first undertaker is forced to keep in his own hands, the more the work is like to prosper. For first, the person liable to the state here to perform the plantation, is the immediate undertaker. Secondly, the more his profit dependeth upon the annual and springing commodity, the more sweetness he will find in putting forward manurance and husbanding of the grounds, and therefore is like to take more care of it. Thirdly, since the natives are excluded, I do not see that any persons are like to be drawn over of that condition, as are like to give fines, and undertake the charge of building. For I am persuaded, that the people transported will consist of gentlemen and their servants, and of labourers and hinds, and not of yeomen of any wealth. And therefore the charge of buildings, as well of the tenements and farms, as of the capital houses themselves, is like to rest upon the principal undertakers. Which will be recompensed in the end to the full, and with much advantage, if they make no long estates or leases. And therefore this article to receive some qualification.

Fifthly, I should think it requisite that men of experience in that kingdom should enter into some particular consideration of the charges and provisions of all kinds, that will be incident to the plantation; to the end, that thereupon some advice may be taken for the furnishing and accommodating them most conveniently, aiding private industry and charge with public care and order.

Thus I have expressed to your majesty those simple and weak cogitations, which I have had in myself touching this cause, wherein I most humbly desire your

don, and gracious acceptance of my good affection
l intention. For I hold it for a rule, that there
ngeth to great monarchs, from faithful servants,
only the tribute of duty, but the oblations of
arfulness of heart. And so I pray the Almighty
bless this great action, with your majesty's care;
l your care with happy success.

A

REPORT

MADE BY

SIR FRANCIS BACON, KNIGHT,

IN THE HOUSE OF COMMONS,

Of a speech delivered by the earl of Salisbury; and another speech delivered by the earl of Northampton, at a conference concerning

THE PETITION OF THE MERCHANTS UPON THE SPANISH GRIEVANCES.

Parliament 5 JACOBI.

AND it please you, Mr. Speaker, I do not find myself any ways bound to report that which passed at the last conference touching the Spanish grievances, having been neither employed to speak, nor appointed to report in that cause. But because it is put upon me by a silent expectation, grounded upon nothing, that I know, more than that I was observed diligently to take notes; I am content, if that provision which I made for mine own remembrance may serve this house for a report, not to deny you that sheaf that I have in haste bound up. It is true, that one of his majesty's principal counsellors in causes of estate did use a speech that contained a world of matter; but how I shall be able to make a globe of that world, therein I fear mine own strength.

His lordship took the occasion of this, which I shall now report, upon the answer which was by us made to the amendments propounded upon the bill of hostile laws; quitting that business with these few words; that he would discharge our expectation of reply, because their lordships had no warrant to dispute. Then

continuing his speech, he fell into this other cause, and said; that being now to make answer to a proposition of ours, as we had done to one of theirs, he wished it could be passed over with like brevity. But he did foresee his way, that it would prove not only long, but likewise hard to find, and hard to keep; this cause being so to be carried, as above all no wrong be done to the king's sovereignty and authority: and in the second place, no misunderstanding do ensue between the two houses. And therefore that he hoped his words should receive a benign interpretation; knowing well that pursuit and drift of speech, and multitude of matter, might breed words to pass from him beyond the compass of his intention: and therefore he placed more assurance and caution in the innocency of his own meaning, and in the experience of our favours, than in any his wariness or watchfulness over his own speech.

This respective preface used, his lordship descended to the matter itself; which he divided into three considerations: for he said he would consider of the petition,

First, As it proceeded from the merchants.

Secondly, As from them it was offered to the lower house.

And thirdly, As from the lower house it was recommended to the higher house.

In the first of these considerations there fell out naturally a subdivision into the persons of the petitioners, and the matter and parts of the petition. In the persons of the merchants his lordship made, as I have collected them, in number, eight observations, whereof the three first respected the general condition of merchants; and the five following were applied to the particular circumstances of the merchants now complaining.

His lordship's first general observation was, that merchants were of two sorts; the one sought their fortunes, as the verse saith, *per saxa, per ignes;* and, as it is said in the same place, *extremos currit mercator ad Indos;* subjecting themselves to weather and

tempest; to absence, and, as it were, exile, out of their native countries; to arrest in entrances of war; to foreign injustice and rigour in times of peace; and many other sufferances and adventures. But that there were others that took a more safe, but a less generous course in raising their fortunes. He taxed none, but did attribute much more respect to the former.

The second general observation which his lordship made was, that the complaints of merchants were usually subject to much error, in regard that they spake, for the most part, but upon information; and that carried through many hands; and of matters done in remote parts; so as a false or factious factor might oftentimes make great tragedies upon no great ground. Whereof, towards the end of his speech he brought an instance of one trading into the Levant, that complained of an arrest of his ship, and possessed the council-table with the same complaint in a vehement and bitter fashion; desiring and pressing some present and expostulatory letters touching the same. Whereupon some counsellors, well acquainted with the like heats, and forwardness in complaints, happened to say to him out of conjecture, and not out of any intelligence, "What will you say if your ship, "which you complain to be under arrest, be now "under sail in way homewards?" Which fell out accordingly: the same person confessing, six days after, to the lords, that she was indeed in her way homewards.

The third general observation which his lordship made was this, in effect; that although he granted that the wealth and welfare of the merchant was not without a sympathy with the general stock and state of a nation, especially an island; yet nevertheless, it was a thing too familiar with the merchant, to make the case of his particular profit, the public case of the kingdom.

There follow the particular observations, which have a reference and application to the merchants that trade to Spain and the Levant; wherein his lordship did first honourably and tenderly acknowledge, that their grievances were great, that they did multiply, and that

they do deserve compassion and help; but yet nevertheless, that he must use that loving plainness to them as to tell them, that in many things they were authors of their own miseries. For since the dissolving of the company, which was termed the monopoly, and was set free by the special instance of this house, there hath followed such a confusion and relaxation in order and government amongst them, as they do not only incur many inconveniences, and commit many errors; but in the pursuits of their own remedies and suits they do it so impoliticly, and after such a fashion, as, except lieger ambassadors, which are the eyes of kings in foreign parts, should leave their centinel, and become merchants factors, and solicitors, their causes can hardly prosper. And, which is more, such is now the confusion in the trade, as shop-keepers and handy-craftsmen become merchants there; who being bound to no orders, seek base means, by gifts and bribery, to procure favours at the hands of officers there. So as the honest merchant, that trades like a substantial merchant, and loves not to take servile courses to buy the right due to him by the amity of the princes, can have no justice without treading in their steps.

Secondly, His lordship did observe some improbability that the wrongs should be so great, considering trading into those parts was never greater; whereas if the wrongs and griefs were so intolerable and continual, as they propound them and voiced them, it would work rather a general discouragement and coldness of trade in fact, than an earnest and hot complaint in words.

Thirdly, His lordship did observe, that it is a course, howsoever it may be with a good intent, yet, of no small presumption, for merchants upon their particular grievances to urge things tending to a direct war, considering that nothing is more usual in treaties, than that such particular damages and molestations of subjects are left to a form of justice to be righted: and that the more high articles do retain nevertheless their vigour inviolably; and that the great bargain of the kingdom for war and peace may in no wise depend

upon such petty forfeitures, no more than in common assurance between man and man it were fit that, upon every breach of covenants, there should be limited a re-entry.

Fourthly, His lordship did observe, in the manner of preferring their petition, they had inverted due order, addressing themselves to the foot, and not to the head. For, considering that they prayed no new law for their relief, and that it concerned matter of inducement to war or peace, they ought to have begun with his majesty; unto whose royal judgment, power, and office, did properly belong the discerning of that which was desired, the putting in act of that which might be granted, and the thanks for that which might be obtained.

Fifthly, His lordship did observe, that as they had not preferred their petition as it should be, so they had not pursued their own direction as it was. For having directed their petition to the king, the lords spiritual and temporal, and the commons in parliament assembled, it imported, as if they had offered the like petition to the lords; which they never did: contrary not only to their own direction, but likewise to our conceit, who pre-supposed, as it should seem by some speech that passed from us at a former conference, that they had offered several petitions of like tenor to both houses. So have you now those eight observations, part general, part special, which his lordship made touching the persons of those which exhibited the petition, and the circumstances of the same.

For the matter of the petition itself, his lordship made this division, that it consisteth of three parts.

First, Of the complaints of wrongs in fact.

Secondly, Of the complaints of wrongs in law, as they may be truly termed, that is, of the inequality of laws which do regulate the trade.

And thirdly, The remedy desired by letters of mart.

The wrongs in fact receive a local distribution of three. In the trade to Spain, in the trade to the West-Indies, and in the trade to the Levant.

Concerning the trade to Spain; although his lord-

ship did use much signification of compassion of the injuries which the merchants received; and attributed so much to their profession and estate, as from such a mouth in such a presence they ought to receive for a great deal of honour and comfort, which kind of demonstration he did interlace throughout his whole speech, as proceeding *ex abundantia cordis*, yet nevertheless he did remember four excusations, or rather extenuations of those wrongs.

The first was, that the injustices complained of were not in the highest degree, because they were delays and hard proceedings, and not inique sentences, or definitive condemnations: wherein I called to mind what I heard a great bishop say, that courts of justice, though they did not turn justice into wormwood by corruption, yet they turned it into vinegar by delays, which soured it. Such a difference did his lordship make, which, no question, is a difference *secundum majus et minus*.

Secondly, His lordship ascribed these delays, not so much to malice or alienation of mind towards us, as to the nature of the people and nation, which is proud and therefore dilatory: for all proud men are full of delays, and must be waited on; and especially to the multitudes and diversities of tribunals and places of justice, and the number of the king's councils, full of deferrings, which ever prove of necessity to be deferrings; besides the great distance of territories: all which have made the delays of Spain to come into a by-word through the world. Wherein I think his lordship might allude to the proverb of Italy, *Mi venga a morte di Spagna*, Let my death come from Spain, for then it is sure to be long a coming.

Thirdly, His lordship did use an extenuation of these wrongs, drawn from the nature of man, *nemo subito fingitur*. For that we must make an account, that though the fire of enmity be out between Spain and us, yet it vapoureth: the utter extincting whereof must be the work of time.

But lastly, his lordship did fall upon that extenuation, which of all the rest was most forcible; which was,

that many of these wrongs were not sustained without some aspersion of the merchants own fault in ministering the occasion, which grew chiefly in this manner.

There is contained an article in the treaty between Spain and us, that we shall not transport any native commodities of the Low Countries into Spain; nay, more, that we shall not transport any *opificia*, manufactures of the same countries: so that if an English cloth take but a dye in the Low Countries, it may not be transported by the English. And the reason is, because even those manufactures, although the materials come from other places, do yield unto them a profit and sustentation, in regard their people are set on work by them; they have a gain likewise in the price; and they have a custom in the transporting. All which the policy of Spain is to debar them of; being no less desirous to suffocate the trade of the Low Countries, than to reduce their obedience. This article the English merchant either doth not or will not understand: but being drawn with his threefold cord of love, hate, and gain, they do venture to transport the Low Country commodities of these natures, and so draw upon themselves these arrests and troubles.

For the trade to the Indies, his lordship did discover unto us the state of it to be thus: the policy of Spain doth keep that treasury of theirs under such lock and key, as both confederates, yea, and subjects, are excluded of trade into those countries; insomuch as the French king, who hath reason to stand upon equal terms with Spain, yet nevertheless is by express capitulation debarred. The subjects of Portugal, whom the state of Spain hath studied by all means to content, are likewise debarred: such a vigilant dragon is there that keepeth this golden fleece; yet nevertheless, such was his majesty's magnanimity in the debate and conclusion of the last treaty, as he would never condescend to any article, importing the exclusion of his subjects from that trade: as a prince that would not acknowledge that any such right could grow to the crown of Spain by the donative of the

pope, whose authority he disclaimeth; or by the title of a dispersed and punctual occupation of certain territories in the name of the rest; but stood firm to reserve that point in full question to farther times and occasions; so as it is left by the treaty in suspence, neither debarred nor permitted: the tenderness and point of honour whereof was such, as they that went thither must run their own peril. Nay, farther, his lordship affirmed, that if yet at this time his majesty would descend to a course of intreaty for the release of the arrests in those parts, and so confess an exclusion, and quit the point of honour, his majesty might have them forthwith released. And yet his lordship added, that the offences and scandals of some had made this point worse than it was, in regard that this very last voyage to Virginia, intended for trade and plantation, where the Spaniard hath no people nor possession, is already become infamed for piracy. Witness Bingley, who first insinuating his purpose to be an actor in that worthy action of enlarging trade and plantation, is become a pirate, and hath been so pursued, as his ship is taken in Ireland, though his person is not yet in hold.

For the trade to the Levant, his Lordship opened unto us that the complaint consisted in effect but of two particulars: the one, touching the arrest of a ship called the Trial, in Sicily; the other, of a ship called the Vineyard, in Sardinia. The first of which arrests was upon pretence of piracy; the second, upon pretence of carrying ordnance and powder to the Turk. That process concerning the Trial had been at the merchants instance drawn to a review in Spain, which is a favour of exceeding rare precedent, being directly against the liberties and privileges of Sicily. That of the Vineyard, notwithstanding it be of that nature, as, if it should be true, tendeth to the great dishonour of our nation, whereof hold hath been already taken by the French ambassador residing at Constantinople, who entered into a scandalous expostulation with his majesty's ambassador there, upon that and the like transportations of munition to the Turk, yet never-

theless there is an answer given, by letters from the king's ambassador lieger in Spain, that there shall be some course taken to give reasonable contentment in that cause, as far as may be: in both which ships, to speak truly, the greatest mass of loss may be included; for the rest are mean, in respect of the value of those two vessels. And thus much his lordship's speech comprehended concerning the wrongs in fact.

Concerning the wrongs in law; that is to say, the rigour of the Spanish laws extended upon his majesty's subjects that traffick thither, his lordship gave this answer. That they were no new statutes or edicts devised for our people, or our times; but were the ancient laws of that kingdom: *Suus cuique mos.* And therefore, as travellers must endure the extremities of the climate, and temper of the air where they travel; so merchants must bear with the extremities of the laws, and temper of the estate where they trade. Whereunto his lordship added, That our own laws here in England were not exempted from the like complaints in foreign parts; especially in point of marine causes and depredations, and that same swift alteration of property, which is claimed by the admiralty in case of goods taken in pirates hands. But yet that we were to understand thus much of the king of Spain's care and regard of our nation; that he had written his letters to all corregidors, officers of ports, and other his ministers, declaring his will and pleasure to have his majesty's subjects used with all freedom and favour; and with this addition, that they should have more favour, when it might be shewed, than any other. Which words, howsoever the effects prove, are not suddenly to be requited with peremptory resolutions, till time declare the direct issue.

For the third part of the matter of the petition, which was the remedy sought by letters of mart, his lordship seemed desirous to make us capable of the inconvenience of that which was desired, by setting before us two notable exceptions thereunto: the one, that the remedy was utterly incompetent and vain; the

other, that it was dangerous and pernicious to our merchants, and in consequence to the whole state.

For the weakness of the remedy, his lordship wished us to enter into consideration what the remedy was, which the statute of Henry the fifth, which was now sought to be put in execution, gave in this case: which was thus; That the party grieved should first complain to the keeper of the privy seal, and from him should take letters unto the party that had committed the spoil, for restitution; and in default of restitution to be made upon such letters served, then to obtain of the chancellor letters of mart or reprisal: which circuit of remedy promised nothing but endless and fruitless delay, in regard that the first degree prescribed was never likely to be effected: it being so wild a chace, as to serve process upon the wrong doer in foreign parts. Wherefore his lordship said, that it must be the remedy of state, and not the remedy of statute, that must do good in this case; which useth to proceed by certificates, attestations, and other means of information; not depending upon a privy seal to be served upon the party, whom haply they must seek out in the West-Indies.

For the danger of the remedy, his lordship directed our considerations to take notice of the proportions of the merchants goods in either kingdom: as that the stock of goods of the Spaniard, which is within his majesty's power and distress, is a trifle; whereas the stock of English goods in Spain is a mass of mighty value. So as if this course of letters of mart should be taken to satisfy a few hot pursuitors here, all the goods of the English subjects in Spain shall be exposed to seizure and arrest: and we have little or nothing in our hands on this side to mend ourselves upon. And thus much, Mr. Speaker, is that which I have collected out of that excellent speech, concerning the first main part, which was the consideration of the petition as it proceeded from the merchant.

There followeth now the second part, considering the petition as it was offered in this house. Wherein his lordship, after an affectionate commemoration of

the gravity, capacity, and duty, which he generally found in the proceedings of this house, desired us nevertheless to consider with him, how it was possible that the entertaining petitions concerning private injuries, and of this nature, could avoid these three inconveniences: the first, of injustice; the second, of derogation from his majesty's supreme and absolute power of concluding war or peace; and the third, of some prejudice in reason of estate.

For injustice, it is plain, and cannot be denied, that we hear but the one part: whereas the rule, *Audi alteram partem*, is not of the formality, but of the essence of justice: which is therefore figured with both eyes shut, and both ears open; because she should hear both sides, and respect neither. So that if we should hap to give a right judgment, it might be *justum*, but not *juste*, without hearing both parties.

For the point of derogation, his lordship said, he knew well we were no less ready to acknowledge than himself, that the crown of England was ever invested, amongst other prerogatives not disputable, of an absolute determination and power of concluding and making war and peace: which that it was no new dotation, but of an ancient foundation in the crown, he would recite unto us a number of precedents in the reigns of several kings, and chiefly of those kings which come nearest his majesty's own worthiness; wherein he said, that he would not put his credit upon cyphers and dates; because it was easy to mistake the year of a reign, or number of a roll, but he would avouch them in substance to be perfect and true, as they are taken out of the records. By which precedents it will appear, that petitions made in parliament to kings of this realm, his majesty's progenitors, intermeddling with matter of war or peace, or inducement thereunto, received small allowance or success, but were always put off with dilatory answers; sometimes referring the matter to their council, sometimes to their letters, sometimes to their farther pleasure and advice, and such other forms; expressing plainly, that the kings meant to reserve matter of that nature entirely to their own power and pleasure.

In the eighteenth year of king Edward I. complaint was made by the commons, against the subjects of the earl of Flanders, with petition of redress. The king's answer was, *Rex nihil aliud potest, quam eodem modo petere:* that is, That the king could do no more but make request to the earl of Flanders, as request had been made to him; and yet nobody will imagine but king Edward the first was potent enough to have had his reason of a count of Flanders by a war; and yet his answer was, *Nihil aliud potest;* as giving them to understand, that the entering into a war was a matter transcendent, that must not depend upon such controversies.

In the fourteenth year of king Edward III. the commons petitioned, that the king would enter into certain covenants and capitulations with the duke of Brabant; in which petition there was also inserted somewhat touching a money matter. The king's answer was, That for that which concerned the monies, they might handle it and examine it; but touching the peace, he would do as to himself seemed good.

In the eighteenth year of king Edward III. the commons petitioned, that they might have the trial and proceeding with certain merchants strangers as enemies to the state. The king's answer was, It should remain as it did till the king had taken farther order.

In the forty-fifth year of king Edward III. the commons complained that their trade with the Easterlings was not upon equal terms, which is one of the points insisted upon in the present petition, and prayed an alteration and reducement. The king's answer was, It shall be so as occasion shall require.

In the fiftieth year of the same king, the commons petitioned to the king for remedy against the subjects of Spain, as they now do. The king's answer was, That he would write his letter for remedy. Here is letters of request, no letters of mart: *Nihil potest nisi eodem modo petere.*

In the same year, the merchants of York petitioned in parliament against the Hollanders, and desired their

ships might be stayed both in England and at Calais. The king's answer was, Let it be declared unto the king's council, and they shall have such remedy as is according to reason.

In the second year of king Richard II. the merchants of the sea-coast did complain of divers spoils upon their ships and goods by the Spaniard. The king's answer was, That with the advice of his council he would procure remedy.

His lordship cited two other precedents; the one, in the second year of king Henry IV. of a petition against the merchants of Genoa; the other, in the eleventh year of king Henry VI. of a petition against the merchants of the still-yard, which I omit, because they contain no variety of answer.

His lordship farther cited two precedents concerning other points of prerogative, which are likewise flowers of the crown; the one, touching the king's supremacy ecclesiastical, the other, touching the order of weights and measures. The former of them was in the time of king Richard II. at what time the commons complained against certain encroachments and usurpations of the pope; and the king's answer was, "The king hath given order to his council to treat "with the bishops thereof." The other was in the eighteenth year of king Edward I. at which time complaint was made against uneven weights: and the king's answer was, *Vocentur partes ad placita regis, et fiat justitia;* whereby it appeared, that the kings of this realm still used to refer causes petitioned in parliament to the proper places of cognizance and decision. But for the matter of war and peace, as appears in all the former precedents, the kings ever kept it in *scrinio pectoris*, in the shrines of their own breast, assisted and advised by their council of estate.

Inasmuch as his lordship did conclude his enumeration of precedents with a notable precedent in the seventeenth year of king Richard II. a prince of no such glory nor strength; and yet when he made offer to the commons in parliament that they should take into their considerations matter of war and peace then

in hand; the commons, in modesty, excused themselves, and answered, "The commons will not presume to treat of so high a charge." Out of all which precedents his lordship made this inference, that as *dies diem docet*, so by these examples wise men will be admonished to forbear those petitions to princes, which are not likely to have either a welcome hearing, or an effectual answer.

And for prejudice that might come of handling and debating matter of war and peace in parliament, he doubted not, but that the wisdom of this house did conceive upon what secret considerations and motives that point did depend. For that there is no king which will providently and maturely enter into a war, but will first balance his own forces; seek to anticipate confederacies and alliances, revoke his merchants, find an opportunity of the first breach, and many other points, which, if they once do but take wind, will prove vain and frustrate. And therefore that this matter, which is *arcanum imperii*, one of the highest mysteries of estate, must be suffered to be kept within the veil: his lordship adding, that he knew not well whether, in that which he had already said out of an extreme desire to give us satisfaction, he had not communicated more particulars than perhaps was requisite. Nevertheless, he confessed, that sometimes parliaments have been made acquainted with matter of war and peace in a generality; but it was upon one of these two motives; when the king and council conceived that either it was material to have some declaration of the zeal and affection of the people; or else when the king needed to demand moneys and aids for the charge of the wars; wherein if things did sort to war, we were sure enough to hear of it: his lordship hoping that his majesty would find in us no less readiness to support it than to persuade it.

Now, Mr. Speaker, for the last part; wherein his lordship considered the petition, as it was recommended from us to the upper house; his lordship delivered thus much from their lordships; that they would make a good construction of our desires, as those

which they conceived did rather spring out of a feeling of the king's strength, and out of a feeling of the subjects wrongs; nay more, out of a wisdom and depth, to declare our forwardness, if need were, to assist his majesty's future resolutions, which declaration might be of good use for his majesty's service, when it should be blown abroad; rather, I say, than that we did in any sort determine by this their overture, to do that wrong to his highness's supreme power, which haply might be inferred by those that were rather apt to make evil than good illations of our proceedings. And yet, that their lordships, for the reasons before made, must plainly tell us, that they neither could nor would concur with us, nor approve the course; and therefore concluded, that it would not be amiss for us, for our better contentment, to behold the conditions of the last peace with Spain, which were of a strange nature to him that duly observes them; no forces recalled out of the Low Countries; no new forces, as to voluntaries, restrained to go thither; so as the king may be in peace, and never a subject in England but may be in war: and then to think thus with ourselves, that that king, which would give no ground in making his peace, will not lose any ground, upon just provocation, to enter into an honourable war. And that in the mean time we should know thus much, that there could not be more forcible negociation on the king's part, but blows, to procure remedy of those wrongs; nor more fair promises on the king of Spain's part, to give contentment concerning the same; and therefore that the event must be expected.

And thus, Mr. Speaker, have I passed over the speech of this worthy lord, whose speeches, as I have often said, in regard of his place and judgment, are extraordinary lights to this house; and have both the properties of light, that is, conducting, and comforting. And although, Mr. Speaker, a man would have thought nothing had been left to be said, yet I shall now give you account of another speech, full of excellent matter and ornaments, and without iteration:

which, nevertheless, I shall report more compendiously, because I will not offer the speech that wrong, as to report it at large, when your minds percase and attentions are already wearied.

The other earl, who usually doth bear a principal part upon all important occasions, used a speech, first of preface, then of argument. In his preface he did deliver, that he was persuaded that both houses did differ rather in credulity and belief, than in intention and desire: for it might be their lordships did not believe the information so far, but yet desired the reformation as much.

His lordship said farther, that the merchant was a state and degree of persons, not only to be respected, but to be prayed for, and graced them with the best additions; that they were the convoys of our supplies, the vents of our abundance, Neptune's alms-men, and fortune's adventurers. His lordship proceeded and said, this question was new to us, but ancient to them; assuring us, that the king did not bear in vain the device of the thistle, with the word, *Nemo me lacessit impune;* and that as the multiplying of his kingdoms maketh him feel his own power; so the multiplying of our loves and affections made him to feel our griefs.

For the arguments or reasons, they were five in number, which his lordship used for satisfying us why their lordships might not concur with us in this petition. The first was the composition of our house, which he took in the first foundation thereof to be merely democratical, consisting of knights of shires and burgesses of towns, and intended to be of those that have their residence, vocation, and employment in the places for which they serve: and therefore to have a private and local wisdom, according to that compass, and so not fit to examine or determine secrets of estate, which depend upon such variety of circumstances; and therefore added to the precedent formerly vouched, of the seventeenth of king Richard II. when the commons disclaimed to intermeddle in matter of war and peace; that their answer was, that they would not presume to treat of so high and variable a matter.

And although his lordship acknowledged that there be divers gentlemen, in the mixture of our house, that are of good capacity and insight in matters of estate; yet that was the accident of the person, and not the intention of the place; and things were to be taken in the institution, not in the practice.

His lordship's second reason was, that both by philosophy and civil law, *ordinatio belli et pacis est absoluti imperii*, a principal flower of the crown; which flowers ought to be so dear unto us, as we ought, if need were, to water them with our blood: for if those flowers should, by neglect, or upon facility and good affection, wither and fall, the garland would not be worth the wearing.

His lordship's third reason was, that kings did so love to imitate *primum mobile*, as that they do not like to move in borrowed motions: so that in those things that they do most willingly intend, yet they endure not to be prevented by request: whereof he did alledge a notable example in king Edward III. who would not hearken to the petition of his commons, that besought him to make the black prince prince of Wales: but yet, after that repulse of their petition, out of his own mere motion he created him.

His lordship's fourth reason was, that it might be some scandal to step between the king and his own virtue; and that it was the duty of subjects rather to take honours from kings servants and give them to kings, than to take honours from kings and give them to their servants: which he did very elegantly set forth in the example of Joab, who, lying at the siege of Rabbah, and finding it could not hold out, writ to David to come and take the honour of taking the town.

His lordship's last reason was, that it may cast some aspersion upon his majesty; implying, as if the king slept out the sobs of his subjects, until he was awaked with the thunderbolt of a parliament.

But his lordship's conclusion was very noble, which was with a protestation, that what civil threats, contestation, art, and argument can do, hath been used already to procure remedy in this cause; and a pro-

mise, that if reason of state did permit, as their lordships were ready to spend their breath in the pleading of that we desire, so they would be ready to spend their bloods in the execution thereof.

This was the substance of that which passed.

A

CERTIFICATE TO HIS MAJESTY,

TOUCHING THE PROJECTS OF

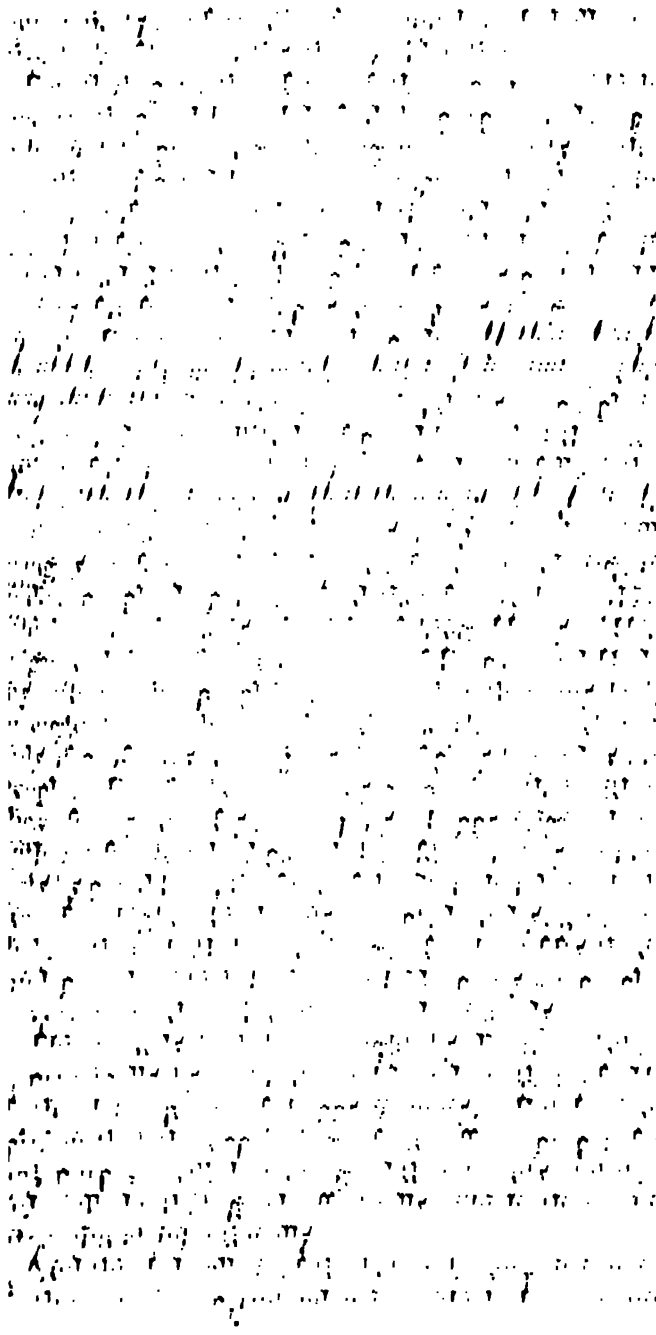
SIR STEPHEN PROCTOR,

RELATING TO THE

PENAL LAWS.

It may please your sacred Majesty,

WITH the first free time from your majesty's service of more present dispatch, I have perused the projects of Sir Stephen Proctor, and do find it a collection of extreme diligence and inquisition, and more than I thought could have met in one man's knowledge. For though it be an easy matter to run over many offices and professions, and to note in them general abuses or deceits; yet, nevertheless, to point at and trace out the particular and covert practices, shifts, devices, tricks, and, as it were, stratagems in the meaner sort of the ministers of justice or public service, and to do it truly and understandingly, is a discovery whereof great good use may be made for your majesty's service and good of your people. But because this work, I doubt not, hath been to the gentleman the work of years, whereas my certificate must be the work but of hours or days, and that it is commonly and truly said, that he that embraceth much, straineth and holdeth the less, and that propositions have wings, but operation and execution have leaden feet; I most humbly desire pardon of your majesty, if I do for the present only select some one or two principal points, and certify my opinion thereof; reserving the rest as a sheaf by me to draw out, at further time, further matter for



times offered upon pretence of reformation, as if judges did not their duty, or ancient and sworn officers did not their duty and the like: but it is only to set a *custos* or watchman, neither over judges nor clerks, but only over a kind of people that cannot be sufficiently watched or overlooked, and that is, the common promoters or informers: the very awe and noise whereof will do much good, and the practice much more.

I will therefore set down first, what is the abuse or inconvenience, and then what is the remedy which may be expected from the industry of this officer. And I will divide it into two parts, the one, for that that may concern the ease of your people, for with that will I crave leave to begin, as knowing it to be principal in your majesty's intention, and the other for that, that may concern your majesty's benefit.

Concerning the ease of his Majesty's subjects, polled and vexed by common informers.

The abuses or inconveniencies.

1. An informer exhibits an information, and in that one information he will put an hundred several subjects of this information. Every one shall take out copies, and every one shall put in his several answer. This will cost perhaps an hundred marks: that done, no further proceeding. But the clerks have their fees, and the informer hath his dividend for bringing the water to the mill.

It is to be noted, that this vexation is not met

The remedies by the industry of the officer.

1. The officer by his diligence finding this case, is to inform the court thereof, who thereupon may grant good costs against the informer, to every of the subjects vexed: and withal not suffer the same informer to revive his information against any of them; and lastly, fine him, as for a misdemeanor and abuse of justice: and by that time a few of such examples be made, they will be soon weary of that practice.

with by any statute. For it is no composition, but a discontinuance; and in that case there is no penalty, but costs: and the poor subject will never sue for his costs, lest it awake the informer to revive his information, and so it escapeth clearly.

2. Informers receive pensions of divers persons to forbear them. And this is commonly of principal offenders, and of the wealthiest sort of tradesmen. For if one tradesman may presume to break the law, and another not, he will be soon richer than his fellows. As for example, if one draper may use tenters, because he is in fee with an informer, and others not, he will soon outstrip the good tradesman that keeps the law.

And if it be thought strange that any man should seek his peace by one informer, when he lieth open to all, the experience is otherwise: for one informer will bear with the friend of another, looking for the like measure.

And besides, they have devices to get priority of information, and to put in an information *de bene*

2. This is an abuse that appeareth not by any proceeding in court, because it is before suit commenced, and therefore requireth a particular enquiry.

But when it shall be the care and cogitation of one man to overlook informers, these things are easily discovered: for let him but look who they be that the informer calls in question, and hearken who are of the same trade in the same place and are spared, and it will be easy to trace a bargain.

In this case, having discovered the abuse, he ought to inform the barons of the exchequer, and the king's learned counsel, that by the Star-chamber, or otherwise, such taxers of the king's subjects may be punished.

esse, to prevent others, and to protect their pensioners.

And if it be said this is a pillory matter to the informer, and therefore he will not attempt it; although therein the statute is a little doubtful: yet if hanging will not keep thieves from stealing, it is not pillory will keep informers from polling.

And herein Sir Stephen addeth a notable circumstance: that they will peruse a trade, as of brewers or victuallers, and if any stand out, and will not be in fee, they will find means to have a dozen informations come upon him at once.

3. The subject is often for the same offence vexed by several informations: sometimes the one informer not knowing of the other; and often by confederacy, to weary the party with charge: upon every of which goeth process, and of every of them he must take copies, and make answers, and so relieve himself by motion of the court if he can; all which multiplieth charge and trouble.

3. The officer keeping a book of all the informations put in, with a brief note of the matter, may be made acquainted with all informations to come in: and if he find a precedent for the same cause, he may inform some of the barons, that by their order the receiving of the latter may be stayed without any charge to the party at all; so as it appear by the due prosecution of the former, that it is not a suit by collusion to protect the party.

rning the King's benefit, which may grow
inderate prosecution of some penal laws.

uses or inconveniences	*The remedies.*
... an information ... and answered, ... statute requires, ... for the most ... with to compound ... the defendant, ... cannot do with ... of the statute, ... have become ... court, which ... ought to return ... and course of the ... gether with a de... upon his oath of ... sum that he takes ... composition. Upon ... licence so returned, ... is to tax a fine ... king ... ought to be, but ... now used, the li... seldom returned, ... though it contain a ... that the licence shall ..., if it be not duly ...d; yet the manner ... gest that they are ... terms of compound... ... so to obtain new ... and to linger it on ... parliament, and a ... come ... when the licence ... and thereupon ... or baron to exact ... [illegible]	1. The officer in this point is to perform his greatest service to the king, in soliciting for the king in such sort as licences be duly returned, the deceits of these fraudulent compositions discovered, and fines may be set for the king in some good proportion, having respect to the values both of the matter and the person: for the king's fines are not to be delivered, as moneys given by the party, *ad redimendam vexationem*, but as moneys given *ad redimendam culpam et pœnam legis*; and ought to be in such quantity, as may not make the laws altogether trampled down and contemned. Therefore the officer ought first to be made acquainted with every licence, that he may have an eye to the sequel of it: then ought he to be the person that ought to prefer unto the judges or barons, as well the bills for the taxations of the fines, as the orders for giving further days, to the

a fine; there is none for the king to inform them of the nature of the offence; of the value to grow to the king if the suit prevail; of the ability of the person, and the like. By reason whereof, the fine that is set is but a trifle, as 20, 30, or 40s. and it runs in a form likewise which I do not well like: for it is *ut parcatur misis*, which purporteth, as if the party did not any way submit himself, and take the composition as of grace of the court, but as if he did justify himself, and were content to give a trifle to avoid charge.

Which point of form hath a shrewd consequence: for it is some ground that the fine is set too weak.

And as for the informer's oath touching his composition, which is commonly a trifle, and is the other ground of the smallness of the fine, it is no doubt taken with an equivocation: as taking such a sum in name of a composition, and some greater matter by some indirect or collateral mean.

Also, these fines, light as they be, are seldom answered and put in process.

end that the court may duly informed both of weight of causes, and delays therein used; a lastly, he is to see that fines sessed be duly put process, and answered.

An information goeth
trial, and passeth for
ing. In this case of
ery, the informer will
tisfied, and will take
hole moiety, for that
counts to be no com-
on: that done, none
ve at charge to return
ostea, and to procure
nent and execution
he king. For the
ner hath that he
it for, the clerks will
othing without fees
which there being
an to prosecute, there
ve no man likewise
y; and so the king
i his moiety, when
le appears by verdict.
It falleth out some-
in informations of
it, and worthy to be
cuted, the informer
or falls to poverty,
mouth is stopped,
et so as no man can
e him with composi-
and so the matter

2. The officer is to follow for the king, that the *posteas* be returned.

3. The officer in such case is to inform the king's learned counsel, that they may prosecute if they think fit.

There be sundry sei-
made, in case where
aws give seizures,
i are released by
ments underhand,
so money wrested
the subject, and no
t to the king.
seizures once made
not to be discharged,

4. The officer is to take knowledge of such seizures, and to give information to the court concerning them.

This is of more difficulty, because seizures are matter in fact, whereas suits are matter of record: and it may require more per-

but by order of the court, and therefore some entry ought to be made of them.

sons to be employed, as at the ports, where is much abuse.

THERE be other points wherein the officer may be of good use, which may be comprehended in his grant or instructions, wherewith I will not now trouble your majesty, for I hold these to be the principal.

Thus have I, according to your majesty's reference, certified my opinion of that part of Sir Stephen Proctor's projects, which concerneth penal laws: which I do wholly and most humbly submit to your majesty's high wisdom and judgment, wishing withal that some conference may be had by Mr. Chancellor and the barons and the rest of the learned counsel, to draw the service to a better perfection. And most specially that the travels therein taken may be considered and discerned of by the lord Treasurer, whose care and capacity is such, as he doth always either find or choose that which is best for your majesty's service.

The recompence unto the gentleman, it is not my part to presume to touch, otherwise than to put your majesty in remembrance of that proportion, which your majesty is pleased to give to others out of the profits they bring in, and perhaps with a great deal less labour and charge.

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SPEECH

OF

THE KING

TO

HIS MAJESTY'S [illegible],

chosen by the Commons as their Mouth and Messenger, the presenting to his Majesty the Instrument or Writing of

THEIR GRIEVANCES

In the Parliament at Westminster.

[M]ost gracious Sovereign,

[The] knights, citizens, and burgesses assembled in [parli]ament in the house of your commons, in all humb[len]ess do exhibit and present unto your most excell[ent Majes]ty, in their own words, though by my hand, their [petit]ions and grievances. They are here numbered [and s]et down in writing, according to ancient custom [of p]arliament; they are also preferred according to the [man]ner and taste of these latter times. Therefore for [me t]o make any additional preface, were neither war[rante]d nor convenient; especially speaking before a [king], the exactness of whose judgment might scatt[er a]nd chase away all unnecessary speech as the sun [doth] a vapour. This only I must say; since this [sessio]n of parliament we have seen your glory in the [solem]nity of the creation of this most noble prince; [we] have heard your wisdom in sundry excellent [spee]ches which you have delivered amongst us; now [we h]ope to find and feel the effects of your goodness, [in y]our gracious answer to these our petitions. For [we] are persuaded that the attribute which was [give]n by one of the wisest writers to two of the best [emp]erors, *Divus Nerva et divus Trajanus*, so saith

Tacitus, *res olim insociabiles miscuerunt, imperium et libertatem;* may be truly applied to your majesty. For never was there such a conservator of regality in a crown, nor ever such a protector of lawful freedom in a subject.

Only this, excellent sovereign, let not the sound of grievances, though it be sad, seem harsh to your princely ears: it is but *gemitus columbæ*, the mourning of a dove; with that patience and humility of heart which appertaineth to loving and loyal subjects. And far be it from us, but that in the midst of the sense of our grievances we should remember and acknowledge the infinite benefits, which by your majesty, next under God, we do enjoy; which bind us to wish unto your life fulness of days; and unto your line royal, a succession and continuance even unto the world's end.

It resteth, that unto these petitions here included I do add one more that goeth to them all: which is, that if in the words and frame of them there be any thing offensive; or that we have expressed ourselves otherwise than we should or would; that your majesty would cover it and cast the veil of your grace upon it; and accept of our good intentions, and help them by your benign interpretation.

Lastly, I am most humbly to crave a particular pardon for myself that have used these few words; and scarcely should have been able to have used any at all, in respect of the reverence which I bear to your person and judgment, had I not been somewhat relieved and comforted by the experience, which in my service and access I have had of your continual grace and favour.

SPEECH

OF THE

KING'S SOLICITOR,

unto the Lords at a conference by commission from the commons, making and persuading the Lords to join with the commons in petition to the King, to obtain liberty to treat of composition with his Majesty for

WARDS AND TENURES

In the Parliament of Ixcart

s knights, citizens, and burgesses of the house ommons have commanded me to deliver to your ships the causes of the conference by them prayed, by your lordships assented, for the second business his day. They have had report made unto them fully of his majesty's answer declared by my lord usurer, touching their humble desire to obtain ty from his majesty to treat of compounding for res. And first, they think themselves much bound his majesty, that in *re nova*, in which case princes to be apprehensive, he hath made a gracious con ction of their proposition. And so much they y of that, that belongs to the greatness of his esty, and the greatness of the cause, as themselves owledge they ought not to have expected a pre resolution, though the wise man saith, *Hope de ed is the fainting of the soul*. But they know their to be to attend his majesty's times at his good sure. And this they do with the more comfort, use that in his majesty's answer, matching the e, and weighing the passages thereof, they con

ceive, in their opinion, rather hope than discouragement.

But the principal causes of the conference now prayed, besides these significations of duty not to be omitted, are two propositions. The one, matter of excuse of themselves; the other, matter of petition. The former of which grows thus. Your lordship, my lord Treasurer, in your last declaration of his majesty's answer, which, according to the attribute then given unto it by a great counsellor, had *imaginem Cæsaris* fair and lively graven, made this true and effectual distribution, that there depended upon tenures, considerations of honour, of conscience, and of utility. Of these three, utility, as his majesty set it by for the present, out of the greatness of his mind, so we set it by, out of the justness of our desires: for we never meant but a goodly and worthy augmentation of the profit now received, and not a diminution. But, to speak truly, that consideration falleth naturally to be examined when liberty of treaty is granted: but the former two indeed may exclude treaty, and cut it off before it be admitted.

Nevertheless, in this that we shall say concerning those two, we desire to be conceived rightly: we mean not to dispute with his majesty what belongeth to sovereign honour or his princely conscience; because we know we are not capable to discern of them otherwise, than as men use sometimes to see the image of the sun in a pail of water. But this we say for ourselves, God forbid that we, knowingly, should have propounded any thing, that might in our sense and persuasion touch either or both; and therefore herein we desire to be heard, not to inform or persuade his majesty, but to free and excuse ourselves.

And first, in general, we acknowledge, that this tree of tenures was planted into the prerogative by the ancient common law of this land: that it hath been fenced in and preserved by many statutes, and that it yieldeth at this day to the king the fruit of a great revenue. But yet, notwithstanding, if upon the stem of this tree may be raised a pillar of suppōrt to the

crown permanent and durable as the marble, by investing the crown with a more ample, more certain, and more loving dowry, than this of tenures; we hope we propound no matter of disservice.

But to speak distinctly of both, and first of honour: wherein I pray your lordships, give me leave, in a subject that may seem *supra nos*, to handle it rather as we are capable, than as the matter perhaps may require. Your lordships well know the various mixture and composition of our house. We have in our house learned civilians that profess a law, that we reverence and sometimes consult with: they can tell us, that all the laws *de feodis* are but additionals to the ancient civil law; and that the Roman emperors, in the full height of their monarchy, never knew them; so that they are not imperial. We have grave professors of the common law, who will define unto us that those are parts of sovereignty, and of the regal prerogative, which cannot be communicated with subjects: but for tenures in substance, there is none of your lordships but have them, and few of us but have them. The king, indeed, hath a priority or first service of his tenures; and some more amplitude of profit in that we call tenure in chief: but the subject is capable of tenures; which shews that they are not regal, nor any point of sovereignty. We have gentlemen of honourable service in the wars both by sea and land, who can inform us, that when it is in question, who shall set his foot foremost towards the enemy; it is never asked, Whether he holds in knight's service or in socage? So have we many deputy lieutenants to your lordships, and many commissioners that have been for musters and levies, that can tell us, that the service and defence of the realm hath in these days little dependence upon tenures. So then we perceive that it is no bond or ligament of government; no spur of honour, no bridle of obedience. Time was, when it had other uses, and the name of knight's service imports it: but *vocabula manent, res fugiunt.* But all this which we have spoken we confess to be but in a

vulgar capacity; which nevertheless may serve for our excuse, though we submit the thing itself wholly to his majesty's judgment.

For matter of conscience, far be it from us to cast in any thing willingly, that may trouble that clear fountain of his majesty's conscience. We do confess it is a noble protection, that these young birds of the nobility and good families should be gathered and clocked under the wings of the crown. But yet *Naturæ vis maxima:* and *Suus cuique discretus sanguis.* Your lordships will favour me, to observe my former method. The common law itself, which is the best bounds of our wisdom, doth, even *in hoc individuo,* prefer the prerogative of the father before the prerogative of the king: for if lands descend, held in chief from an ancestor on the part of a mother, to a man's eldest son, the father being alive, the father shall have the custody of the body, and not the king. It is true that this is only for the father, and not any other parent or ancestor: but then if you look to the high law of tutelage and protection, and of obedience and duty, which is the relative thereunto; it is not said, "Honour thy father alone," but *Honour thy father and thy mother,* etc. Again, the civilians can tell us, that there was a special use of the pretorian power for pupils, and yet no tenures. The citizens of London can tell us, there be courts of orphans, and yet no tenures. But all this while we pray your lordships to conceive, that we think ourselves not competent to discern of the honour of his majesty's crown, or the shrine of his conscience; but leave it wholly unto him, and alledge these things but in our own excuse.

For matter of petition, we do continue our most humble suit, by your lordships loving conjunction, that his majesty will be pleased to open unto us this entrance of his bounty and grace, as to give us liberty to treat. And lastly, we know his majesty's times are not subordinate at all but to the globe above. About this time the sun hath got even with the night, and will rise apace; and we know Solomon's temple,

whereof your lordship, my lord Treasurer, spake, was not built in a day: and if we shall be so happy as to take the ax to hew, and the hammer to frame, in this case, we know it cannot be without time; and therefore, as far as we may with duty, and without importunity, we most humbly desire an acceleration of his majesty's answer, according to his good time and royal pleasure.

A

FRAME OF DECLARATION

FOR THE

MASTER OF THE WARDS,

AT

HIS FIRST SITTING.

THE king, whose virtues are such, as if we, that are his ministers, were able duly to correspond unto them, it were enough to make a golden time, hath commanded certain of his intentions to be published, touching the administration of this place, because they are somewhat differing from the usage of former times, and yet not by way of novelty, but by way of reformation, and reduction of things to their ancient and true institution.

Wherein, nevertheless, it is his majesty's express pleasure it be signified, that he understands this to be done, without any derogation from the memory or service of those great persons, which have formerly held this place, of whose doings his majesty retaineth a good and gracious remembrance, especially touching the sincerity of their own minds.

But now that his majesty meaneth to be as it were master of the wards himself, and that those that he useth be as his substitutes, and move wholly in his motion; he doth expect things be carried in a sort worthy his own care.

First, therefore, his majesty hath had this princely consideration with himself, that as he is *pater patriæ*, so he is by the ancient law of this kingdom *pater pupillorum*, where there is any tenure by knight's service of himself; which extendeth almost to all the great families noble and generous of this kingdom: and

cessary vexations of his people by feodaries, and other inferior ministers of like nature, by colour of his tenures; of which part I say nothing for the present, because the parties whom it concerns are for the most part absent: but order shall be given, that they shall give their attendance the last day of the term, then to understand further his majesty's gracious pleasure.

Thus much by his majesty's commandment; now we may proceed to the business of the court.

DIRECTIONS

For the MASTER of the WARDS to observe,

For his Majesty's better Service, and the general Good.

FIRST, that he take an account how his majesty's last instructions have been pursued; and of the increase of benefit accrued to his majesty thereby, and the proportion thereof.

Wherein first, in general, it will be good to cast up a year's benefit, *viz.* from February, 1610, which is the date of the instructions under the great seal, to February, 1611; and to compare the total with former years before the instructions, that the tree may appear by the fruit, and it may be seen how much his majesty's profit is redoubled or increased by that course.

Secondly, It will not be amiss to compute not only the yearly benefit, but the number of wardships granted that year, and to compare that with the number of former years; for though the number be a thing casual, yet if it be apparently less than in former years, then it may be justly doubted, that men take advantage upon the last clause in the instructions, of exceptions of wards concealed, to practise delays and misfinding of offices, which is a thing most dangerous.

Thirdly, in particular it behoveth to peruse and review the bargains made, and to consider the rates, mens estates being things which for the most part cannot be hid, and thereby to discern what improvements and good husbandry have been used, and how

[illegible] when the whole benefit [illegible] supposed to go to him, than he had when the [illegible] of the benefit [illegible] to the [illegible]

Fourthly, It is [illegible] to take [illegible] what [illegible] copyhold [illegible] which [illegible] by the instructions from being [illegible] and what profit hath been [illegible] by

Thus much for the time past, and upon [illegible] of [illegible] for further [illegible] taken

For the time to come, first it is fit that the master of the ward, being a [illegible] person, [illegible] [illegible] the [illegible] and [illegible] the [illegible] [illegible]

Secondly, [illegible] by [illegible] the way [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] information

Thirdly, [illegible] preferring the next [illegible] the information, which [illegible] by [illegible] and [illegible] it may be [illegible] for the master of the ward [illegible] the ward [illegible] and to take [illegible] from them [illegible] being [illegible] high, and that [illegible] friend that [illegible] in religion, and [illegible] the ward [illegible] education [illegible] preferred

Fourthly, That it be examined carefully whether the ward's [illegible] of copyhold [illegible] which are not to be comprised in the [illegible], and that [illegible] to grant commissions for the same, and that the master take [illegible] certified of the profits of [illegible] by the ward [illegible] that it may be [illegible] and direction for the commissioners.

Fifthly, That the [illegible] in

months, (the state appoints one in the year) to his majesty; and that when he bringeth the bill of grants of the body for his majesty's signature, he bring a schedule of the truth of the state of every one of them, as it hath appeared to him by information, and acquaint his majesty both with the rates and states.

Thus much concerning the improvement of the king's profit, which concerneth the king as *pater familias;* now as *pater patriæ.*

First, for the wards themselves, that there be special care taken in the choice of the committee, that he be sound in religion, his house and family not dissolute, no greedy person, no step-mother, nor the like.

Further, that there be letters written once every year to certain principal gentlemen of credit in every county, to take view not only of the person of the wards in every county, and their education; but of their houses, woods, grounds, and estate, and the same to certify; that the committees may be held in some awe, and that the blessing of the poor orphans and the pupils may come upon his majesty and his children.

Secondly, for the suitors; that there be a strait examination concerning the raising and multiplication of fees in that court, which is much scandalized with opinion thereof, and all exacted fees put down.

Thirdly, for the subjects at large; that the vexation of escheators and feodaries be repressed, which, upon no substantial ground of record, vex the country with inquisitions and other extortions: and for that purpose that there be one set day at the end of every term appointed for examining the abuses of such inferior officers, and that the master of wards take special care to receive private information from gentlemen of quality and conscience in every shire touching the same.

A

SPEECH OF THE KING'S SOLICITOR,

PERSUADING

THE HOUSE OF COMMONS

TO DESIST FROM FARTHER QUESTION OF

RECEIVING THE KING'S MESSAGES,

BY THEIR SPEAKER, AND FROM THE BODY OF THE COUNCIL, AS WELL AS FROM THE KING'S PERSON.

In the Parliament 7 JACOBI.

IT is my desire, that if any the king's business, either of honour or profit, shall pass the house, it may be not only with external prevailing, but with satisfaction of the inward man. For in consent, where tongue-strings, not heart-strings, make the music, that harmony may end in discord. To this I shall always bend my endeavours.

The king's sovereignty, and the liberty of parliament, are as the two elements and principles of this estate; which, though the one be more active, the other more passive, yet they do not cross or destroy the one the other; but they strengthen and maintain the one the other. Take away liberty of parliament, the griefs of the subject will bleed inwards: sharp and eager humours will not evaporate; and then they must exulcerate; and so may endanger the sovereignty itself. On the other side, if the king's sovereignty receive diminution, or any degree of contempt with us that are born under an hereditary monarchy, so as the motions of our estate cannot work in any other frame or engine, it must follow, that we shall be a meteor, or *corpus imperfecte mistum;* which kind of bodies come speedily to confusion and dissolution. And

herein it is our happiness, that we may make the same judgment of the king, which Tacitus made of Nerva: *Divus Nerva res olim dissociabiles miscuit, imperium et libertatem.* Nerva did temper things, that before were thought incompatible, or insociable, sovereignty and liberty. And it is not amiss in a great council and a great cause to put the other part of the difference, which was significantly expressed by the judgment which Apollonius made of Nero; which was thus: when Vespasian came out of Judæa towards Italy, to receive the empire, as he passed by Alexandria he spake with Apollonius, a man much admired, and asked him a question of state: "What was the cause "of Nero's fall or overthrow?" Apollonius answered again, "Nero could tune the harp well: but in go- "vernment he always either wound up the pins too "high, and strained the strings too far; or let them "down too low, and slackened the strings too much." Here we see the difference between regular and able princes, and irregular and incapable, Nerva and Nero. The one tempers and mingles the sovereignty with the liberty of the subject wisely; and the other doth interchange it, and vary it unequally and absurdly. Since therefore we have a prince of so excellent wisdom and moderation, of whose authority we ought to be tender, as he is likewise of our liberty, let us enter into a true and indifferent consideration, how far forth the case in question may touch his authority, and how far forth our liberty: and, to speak clearly, in my opinion it concerns his authority much, and our liberty nothing at all.

The questions are two: the one, whether our speaker be exempted from delivery of a message from the king without our licence? The other, whether it is not all one whether he received it from the body of the council, as if he received it immediately from the king? And I will speak of the last first, because it is the circumstance of the present case.

First, I say, let us see how it concerns the king, and then how it concerns us. For the king, certainly, if it be observed, it cannot be denied, but if you may

not receive his pleasure by his representative body, which is his council of his estate, you both straiten his majesty in point of conveniency, and weaken the reputation of his council. All kings, though they be gods on earth, yet, as he said, they are gods of earth, frail as other men; they may be children; they may be of extreme age; they may be indisposed in health; they may be absent. In these cases, if their council may not supply their persons, to what infinite accidents do you expose them? Nay, more, sometimes in policy kings will not be seen, but cover themselves with their council; and if this be taken from them, a great part of their safety is taken away. For the other point, of weakening the council; you know they are nothing without the king: they are no body-politic; they have no commission under seal. So as, if you begin to distinguish and disjoin them from the king, they are *corpus opacum;* for they have *lumen de lumine:* and so by distinguishing you extinguish the principal engine of the estate. For it is truly affirmed, that *Concilium non habet potestatem delegatam, sed inhærentem:* and it is but *Rex in cathedra,* the king in his chair or consistory, where his will and decrees, which are in privacy more changeable, are settled and fixed.

Now for that which concerns ourselves. First, for dignity; no man must think this a disparagement to us: for the greatest kings in Europe, by their ambassadors, receive answers and directions from the council in the king's absence; and if that negociation be fit for the fraternity and party of kings, it may much less be excepted to by subjects.

For use or benefit, no man can be so raw and unacquainted in the affairs of the world, as to conceive there should be any disadvantage in it, as if such answers were less firm and certain. For it cannot be supposed, that men of so great caution, as counsellors of estate commonly are, whether you take caution for wisdom or providence, or for pledge of estate or fortune, will ever err, or adventure so far as to exceed their warrant. And therefore I conclude, that in this

point there can be unto us neither disgrace nor disadvantage.

For the point of the speaker. First, on the king's part, it may have a shrewd illation: for it hath a shew, as if there could be a stronger duty than the duty of a subject to a king. We see the degrees and differences of duties in families, between father and son, master and servant; in corporate bodies, between commonalities and their officers, recorders, stewards, and the like; yet all these give place to the king's commandments. The bonds are more special, but not so forcible. On our part, it concerns us nothing. For first it is but *de canali*, of the pipe; how the king's message shall be conveyed to us, and not of the matter. Neither hath the speaker any such dominion, as that coming out of his mouth it presseth us more than out of a privy counsellor's. Nay, it seems to be a great trust of the king's towards the house, when the king doubteth not to put his message into their mouth, as if he should speak to the city by their recorder: therefore, methinks, we should not entertain this unnecessary doubt. It is one use of wit to make clear things doubtful; but it is a much better use of wit to make doubtful things clear; and to that I would men would bend themselves.

AN

ARGUMENT

OF

SIR FRANCIS BACON,

THE KING'S SOLICITOR,

IN THE

LOWER HOUSE OF PARLIAMENT,

PROVING

THE KING'S RIGHT OF IMPOSITIONS ON MERCHANDISES IMPORTED AND EXPORTED.*

AND it please you, Mr. Speaker, this question touching the right of impositions is very great; extending to the prerogative of the king on the one part, and the liberty of the subject on the other; and that in a point of profit and value, and not of conceit or fancy. And therefore, as weight in all motions increaseth force, so I do not marvel to see men gather the greatest strength of argument they can to make good their opinions. And so you will give me leave likewise, being strong in mine own persuasion that it is the king's right, to shew my voice as free as my thought. And for my part, I mean to observe the true course to give strength to this cause, which is, by yielding those things which are not tenable, and keeping the question within the true state and compass; which will discharge many popular arguments, and contract the debate into a less room.

Wherefore I do deliver the question, and exclude or set by, as not in question, five things. First, the

* This matter was much debated by the lawyers and gentlemen in the parliament 1610, and 1614, *etc.* and afterwards given up by the crown in 1641.

question is *de portorio*, and not *de tributo*, to use the Roman words for explanation sake; it is not, I say, touching any taxes within the land, but of payments at the ports. Secondly, it is not touching any impost from port to port, but where *claves regni*, the keys of the kingdom, are turned to let in from foreign parts, or to send forth to foreign parts; in a word, matter of commerce and intercourse, not simply of carriage or vecture. Thirdly, the question is, as the distinction was used above in another case, *de vero et falso*, and not *de bono et malo*, of the legal point, and not of the inconvenience, otherwise than as it serves to decide the law. Fourthly, I do set apart three commodities, wools, wool-fells, and leather, as being in different case from the rest; because the custom upon them is *antiqua custuma*. Lastly, the question is not, whether in matter of imposing the king may alter the law by his prerogative, but whether the king have not such a prerogative by law.

The state of the question being thus cleared and freed, my proposition is, that the king by the fundamental laws of this kingdom hath a power to impose upon merchandise and commodities both native and foreign. In my proof of this proposition all that I shall say, be it to confirm or confute, I will draw into certain distinct heads or considerations which move me, and may move you.

The first is an universal negative: there appeareth not in any of the king's courts any one record, wherein an imposition laid at the ports hath been overthrown by judgment; nay more, where it hath been questioned by pleading. This plea, *quod summa prædicta minus juste imposita fuit, et contra leges et consuetudines regni hujus Angliæ, unde idem Bates illam solvere recusavit, prout ei bene licuit;* is *primæ impressionis*. Bates was the first man *ab origine mundi*, for any thing that appeareth, that ministered that plea; whereupon I offer this to consideration: the king's acts that grieve the subject are either against law, and so void, or according to strictness of law, and yet ievous. And according to these several natures of

grievance, there be several remedies: Be they against law? Overthrow them by judgment: Be they too strait and extreme, though legal? Propound them in parliament. Forasmuch then as impositions at the ports, having been so often laid, were never brought into the king's courts of justice, but still brought to parliament, I may most certainly conclude, that they were conceived not to be against law. And if any man shall think that it was too high a point to question by law before the judges, or that there should want fortitude in them to aid the subject; no, it shall appear from time to time, in cases of equal reach, where the king's acts have been indeed against law, the course of law hath run, and the judges have worthily done their duty.

As in the case of an imposition upon linen cloth for the alnage; overthrown by judgment. 12 H. 4. 13 H. 4.

The case of a commission of arrest and committing of subjects upon examination without conviction by jury, disallowed by the judges. 40 Assis.

A commission to determine the right of the exigenter's place, *secundum sanam discretionem*, disallowed by the judges. 2 Eliz. Scrogg's case.

The case of the monopoly of cards overthrown and condemned by judgment. 43 Eliz.

I might make mention of the jurisdiction of some courts of discretion, wherein the judges did not decline to give opinion. Therefore, had this been against law, there would not have been *altum silentium* in the king's courts. Of the contrary judgments I will not yet speak; thus much now, that there is no judgment, no nor plea against it. Though I said no more, it were enough, in my opinion, to induce you to a *non liquet*, to leave it a doubt.

The second consideration is, the force and continuance of payments made by grants of merchants, both strangers and English, without consent of parliament. Herein I lay this ground, that such grants considered in themselves are void in law: for merchants, either strangers or subjects, they are no body corporate, but singular and dispersed persons; they cannot bind suc-

cession, neither can the major part bind the residue: how then should their grants have force? No otherwise but thus: that the king's power of imposing was only the legal virtue and strength of those grants; and that the consent of a merchant is but a concurrence, the king is *principale agens*, and they are but as the patient, and so it becomes a binding act out of the king's power.

Now if any man doubt that such grants of merchants should not be of force, I will alledge but two memorable records, the one for the merchants strangers, the other for the merchants English. That for the strangers is upon the grant of *chart. mercator.* of three pence in value *ultra antiquas custumas;* which grant is in use and practice at this day. For it is well known to the merchants, that that which they call stranger's custom, and erroneously double custom, is but three pence in the pound more than English. Now look into the statutes of subsidy of tonnage and poundage, and you shall find, a few merchandise only excepted, the poundage equal upon alien and subject; so that this difference or excess of three pence hath no other ground than that grant. It falleth to be the same in quantity, there is no statute for it, and therefore it can have no strength but from the merchants grants; and the merchants grants can have no strength but from the king's power to impose.

31 Ed. 1. *Chart. mercator.*

For the merchants English, take the notable record in 17 E. III. where the commons complained of the forty shillings upon the sack of wool as a mal-toll set by the assent of the merchants without consent of parliament; nay, they dispute and say it were hard that the merchants consent should be in damage of the commons. What saith the king to them? doth he grant it or give way to it? No; but replies upon them, and saith, It cannot be rightly construed to be in prejudice of the commons, the rather because provision was made, that the merchants should not work upon them, by colour of that payment to increase their price; in that there was a price certain set upon the wools. And there was an end of that matter:

17 Ed. 3.

which plainly affirmeth the force of the merchants grants. So then the force of the grants of merchants both English and strangers appeareth, and their grants being not corporate, are but noun adjectives without the king's power to impose.

The third consideration is, of the first and most ancient commencement of customs; wherein I am somewhat to seek; for, as the poet saith, *Ingrediturque solo, et caput inter nubila condit,* the beginning of it is obscure: but I rather conceive that it is by common law than by grant in parliament. For, first, Mr. Dyer's opinion was, that the ancient custom for exportation was by the common laws; and goeth further, that that ancient custom was the custom upon wools, woolfells, and leather: he was deceived in the particular, and the diligence of your search hath revealed it; for that custom upon these three merchandises grew by grant of parliament 3 E. I. but the opinion in general was sound; for there was a custom before that: for the records themselves which speak of that custom do term it a new custom, *Alentour del novel custome,* As concerning the new custom granted, *etc.* this is pregnant, there was yet a more ancient. So for the strangers, the grant in 31 E. I. *chart. mercator.* is, that the three pence granted by the strangers should be *ultra antiquas custumas,* which hath no affinity with that custom upon the three species, but presupposeth more ancient customs in general. Now if any man think that those more ancient customs were likewise by act of parliament, it is but a conjecture: it is never recited *ultra antiquas custumas prius concessas,* and acts of parliament were not much stirring before the great charter, which was 9 H. III. And therefore I conceive with Mr. Dyer, that whatsoever was the ancient custom, was by the common law. And if by the common law, then what other means can be imagined of the commencement of it but by the king's imposing?

The fourth consideration is, of the manner that was held in parliament in the abolishing of impositions laid: wherein I will consider, first, the manner of the petitions exhibited in parliament; and more especially

the nature of the king's answers. For the petitions I note two things; first, that to my remembrance there was never any petition made for the revoking of any imposition upon foreign merchants only. It pleased the Decemviri in 5 E. II. to deface *chart. mercator.* and so the imposition upon strangers, as against law: but the opinion of these reformers I do not much trust, for they of their gentleness did likewise bring in doubt the demy-mark, which it is manifest was granted by parliament, and pronounced by them the king should have it, *s'il avoit le doit:* but this is declared void by 1 E. III. which reneweth *chart. mercator.* and void must it needs be, because it was an ordinance by commission only, and that in the time of a weak king, and never either warranted or confirmed by parliament. Secondly, I note that petitions were made promiscuously for taking away impositions set by parliament as well as without parliament; nay, that very tax of the *neufiesme*, the ninth sheaf or fleece, which is recited to be against the king's oath and in blemishment of his crown, was an act of parliament, 14 E. III. So then to infer that impositions were against law, because they are taken away by succeeding parliaments, it is no argument at all; because the impositions set by the parliaments themselves, which no man will say were against law, were, nevertheless, afterwards pulled down by parliament. But indeed the argument holdeth rather the other way, that because they took not their remedy in the king's courts of justice, but did fly to the parliament, therefore they were thought to stand with law.

Now for the king's answers: if the impositions complained of had been against law, then the king's answer ought to have been simple, *tanquam responsio categorica, non hypothetica;* as, Let them be repealed, or, Let the law run: but contrariwise, they admit all manner of diversities and qualifications: for

Sometimes the king disputeth the matter and doth nothing; as 17 E. III.

Sometimes the king distinguisheth of reasonable and not reasonable, as 38 E. III.

Sometimes he abolisheth them in part, and letteth

them stand in part, as 11 E. II. the record of the *mutuum*, and 14 E. III. the printed statute, whereof I shall speak more anon.

Sometimes that no imposition shall be set during the time that the grants made of subsidies by parliament shall continue, as 47 E. III.

Sometimes that they shall cease *ad voluntatem nostram.*

And sometimes that they shall hold over their term prefixed or asseissed.

All which sheweth that the king did not disclaim them as unlawful, for *actus legitimus non recipit tempus aut conditionem.* If it had been a disaffirmance by law, they must have gone down *in solido,* but now you see they have been tempered and qualified as the king saw convenient.

The fifth consideration is of that which is offered by way of objection; which is, first, that such grants have been usually made by consent of parliament; and secondly, that the statutes of subsidies of tonnage and poundage have been made as a kind of stint and limitation, that the king should hold himself unto the proportion so granted and not impose further; the rather because it is expressed in some of these statutes of tonnage and poundage, sometimes by way of protestation, and sometimes by way of condition, that they shall not be taken in precedent, or that the king shall not impose any further rates or novelties, as 6 R. II. 9 R. II. 13 H. IV. 1 H. V. which subsidies of tonnage and poundage have such clauses and cautions.

To this objection I give this answer. First, that it is not strange with kings, for their own better strength, and the better contentment of their people, to do those things by parliament, which nevertheless have perfection enough without parliament. We see their own rights to the crown which are inherent, yet they take recognition of them by parliament. And there was a special reason why they should do it in this case, for they had found by experience that if they had not consent in parliament to the setting of them up, they could not have avoided suit in parliament for the taking of

them down. Besides, there were some things requisite in the manner of the levy for the better strengthening of the same, which percase could not be done without parliament, as the taking the oath of the party touching the value, the inviting of the discovery of concealment of custom by giving the moiety to the informer, and the like.

Now in special for the statutes of subsidies of tonnage and poundage, I note three things. First, that the consideration of the grant is not laid to be for the restraining of impositions, but expressly for the guarding of the sea. Secondly, that it is true that the ancient form is more peremptory, and the modern more submiss; for in the ancient form sometimes they insert a flat condition that the king shall not further impose; in the latter they humbly pray that the merchants may be demeaned without oppression, paying those rates; but whether it be supplication, or whether it be condition, it rather implieth the king hath a power; for else both were needless, for *conditio annectitur ubi libertas præsumitur*, and the word oppression seemeth to refer to excessive impositions. And thirdly, that the statutes of tonnage and poundage are but *cumulative* and not *privative* of the king's power precedent, appeareth notably in the three pence overplus, which is paid by the merchants strangers, which should be taken away quite, if those statutes were taken to be limitations; for in that, as was touched before, the rates are equal in the generality between subjects and strangers, and yet that imposition, notwithstanding any supposed restriction of these acts of subsidies of tonnage and poundage, remaineth at this day.

The sixth consideration is likewise of an objection, which is matter of practice, *viz.* that from R. II.'s time to Q. Mary, which is almost 200 years, there was an intermission of impositions, as appeareth both by records and the custom-books.

To which I answer; both that we have in effect an equal number of years to countervail them, namely, 100 years in the times of the three kings Edwards

added to 60 of our last years; and *extrema obruunt media;* for we have both the reverence of antiquity and the possession of the present times, and they but the middle times; and besides, in all true judgment there is a very great difference between an usage to prove a thing lawful, and a non-usage to prove it unlawful: for the practice plainly implieth consent; but the discontinuance may be either because it was not needful, though lawful; or because there was found a better means, as I think it was indeed in respect of the double customs by means of the staple at Calais.

A

BRIEF SPEECH

In the end of the Session of Parliament 7 JACOBI.

Persuading some supply to be given to his MAJESTY; which seemed then to stand upon doubtful Terms, and passed upon this Speech.

THE proportion of the king's supply is not now in question: for when that shall be, it may be I shall be of opinion, that we should give so now, as we may the better give again. But as things stand for the present, I think the point of honour and reputation is that which his majesty standeth most upon, that our gift may at least be like those showers, that may serve to lay the winds, though they do not sufficiently water the earth.

To labour to persuade you, I will not: for I know not into what form to cast my speech. If I should enter into a laudative, though never so due and just, of the king's great merits, it may be taken for flattery: if I should speak of the strait obligations which intercede between the king and the subject, in case of the king's want, it were a kind of concluding the house: if I should speak of the dangerous consequence which want may reverberate upon subjects, it might have a shew of a secret menace.

These arguments are, I hope, needless, and do better in your minds than in my mouth. But this give me leave to say, that whereas the example of Cyrus was used, who sought his supply from those upon whom he had bestowed his benefits; we must always remember, that there are as well benefits of the sceptre as benefits of the hand, as well of government as of liberality. These, I am sure, we will acknowledge to have come *plena manu* amongst us all, and all those whom we represent; and therefore it is every man's head in this case that must be his counsellor, and every man's heart his orator; and to those inward powers more forcible than any man's speech, I leave it, and wish it may go to the question.

A

CERTIFICATE

TO THE

LORDS OF THE COUNCIL,

UPON INFORMATION GIVEN

Touching the Scarcity of Silver at the Mint, and Reference to the two Chancellors, and the King's Solicitor.

It may please your Lordships,

ACCORDING unto your lordships letters unto us directed, grounded upon the information which his majesty hath received concerning the scarcity of silver at the Mint, we have called before us as well the officers of the Mint, as some principal merchants, and spent two whole afternoons in the examination of the business; wherein we kept this order, first to examine the fact, then the causes, with the remedies.

And for the fact, we directed the officers of the Mint to give unto us a distinguished account how much gold and silver hath yearly been brought into the Mint, by the space of six whole years last past, more especially for the last three months succeeding the last proclamation touching the price of gold; to the end we might by the suddenness of the fall discern, whether that proclamation might be thought the efficient cause of the present scarcity. Upon which account it appears to us, that during the space of six years aforesaid, there hath been still degrees of decay in quantity of the silver brought to the Mint, but yet so, as within these last three months it hath grown far beyond the proportion of the former time, insomuch as there comes in now little or none at all. And yet, notwithstanding, it is some opinion, as well amongst the officers of the Mint as the merchants, that the state need be the less apprehensive of this

effect, because it is like to be but temporary, and neither the great flush of gold that is come into the Mint since the proclamation, nor on the other side the great scarcity of silver, can continue in proportion as it now doth.

Another point of the fact, which we thought fit to examine, was, whether the scarcity of silver appeared generally in the realm, or only at the Mint; wherein it was confessed by the merchants, that silver is continually imported into the realm, and is found stirring amongst the goldsmiths, and otherwise, much like as in former times, although, in respect of the greater price which it hath with the goldsmith, it cannot find the way to the Mint. And thus much for the fact.

For the causes with the remedies, we have heard many propositions made, as well by the lord Knevet, who assisted us in this conference, as by the merchants; of which propositions few were new unto us, and much less can be new to your lordships; but yet although upon former consultations, we are not unacquainted what is more or less likely to stand with your lordships grounds and opinions, we thought it nevertheless the best fruit of our diligence to set them down in articles, that your lordships with more ease may discard or entertain the particulars, beginning with those which your lordships do point at in your letters, and so descending to the rest.

The first proposition is, touching the disproportion of the price between gold and silver, which is now brought to bed, upon the point of fourteen to one, being before but twelve to one. This we take to be an evident cause of scarcity of silver at the Mint, but such a cause as will hardly receive a remedy; for either your lordships must draw down again the price of gold, or advance the price of silver; whereof the one is going back from that which is so lately done, and whereof you have found good effect, and the other is a thing of dangerous consequence in respect of the loss to all moneyed men in their debts, gentlemen in their rents, the king in his customs, and the common subject in raising the price of things vendible. And

upon this point it is fit we give your lordships understanding what the merchants intimated unto us, that the very voicing or suspect of the raising of the price of silver, if it be not cleared, would make such a deadness and retention of money this vacation, as, to use their own words, will be a misery to the merchants: so that we were forced to use protestation, that there was no such intent.

The second proposition, is touching the charge of coinage; wherein it was confidently avouched by the merchants, that if the coinage were brought from two shillings unto eighteen pence, as it was in queen Elizabeth's time, the king would gain more in the quantity than he should lose in the price: and they aided themselves with that argument, that the king had been pleased to abate his coinage in the other metal, and found good of it: which argument, though it doth admit a difference, because that abatement was coupled with the raising of the price, whereas this is to go alone; yet nevertheless it seemed the officers of the Mint were not unwilling to give way to some abatement, although they presumed it would be of small effect, because that abatement would not be equivalent to that price which Spanish silver bears with the goldsmith; but yet it may be used as an experiment of state, being recoverable at his majesty's pleasure.

The third proposition is, concerning the exportation of silver more than in former times, wherein we fell first upon the trade into the East Indies; concerning which it was materially in our opinions answered by the merchants of that company, that the silver which supplies that trade, being generally Spanish moneys, would not be brought in but for that trade, so that it sucks in as well as it draws forth. And it was added likewise, that as long as the Low Countries maintained that trade in the Indies, it would help little though our trade were dissolved, because that silver which is exported immediately by us to the Indies would be drawn out of this kingdom for the Indies immediately by the Dutch: and for the silver exported to the Levant, it was thought to be no great matter. As for

other exportation, we saw no remedy but the execution of the laws, specially those of employment being by some mitigation made agreeable to the times. And these three remedies are of that nature, as they serve to remove the causes of this scarcity. There were other propositions of policies and means, directly to draw silver to the Mint.

The fourth point thereof was this: It is agreed that the silver which hath heretofore fed the Mint, principally hath been Spanish money. This now comes into the realm plentifully, but not into the Mint. It was propounded in imitation of some precedent in France, that his majesty would by proclamation restrain the coming in of this money *sub modo*, that is, that either it be brought to the Mint, or otherwise to be cut and defaced, because that now it passeth in payments in a kind of currency. To which it was colourably objected, that this would be the way to have none brought in at all, because the gain ceasing, the importation would cease; but this objection was well answered, that it is not gain altogether, but a necessity of speedy payment, that causeth the merchant to bring in silver to keep his credit, and to drive his trade: so that if the king keep his fourteen days payment at the Mint, as he always hath done, and have likewise his exchangers for those moneys in some principal parts, it is supposed that all Spanish moneys, which is the bulk of silver brought into this realm, would by means of such a proclamation come into the Mint; which may be a thing considerable.

The fifth proposition was this: It was warranted by the laws of Spain to bring in silver for corn or victuals; it was propounded that his majesty would restrain exportation of corn *sub modo*, except they bring the silver which resulted thereof unto his Mint; that trade being commonly so beneficial, as the merchant may well endure the bringing of the silver to the Mint, although it were at the charge of coinage, which it now beareth further, as incident to this matter. There was revived by the merchants, with some instance, the ancient proposition concerning the erection

of granaries for foreign corn, forasmuch as by that increase of trade in corn, the importation of silver would likewise be multiplied.

The sixth proposition was, That upon all licence of forbidden commodities, there shall be a rate set of silver to be brought into the Mint: which nevertheless may seem somewhat hard, because it imposeth upon the subject that which causeth him to incur peril of confiscation in foreign parts. To trouble your lordships further with discourses which we had of making foreign coins current, and of varying the king's standard to weight, upon the variations in other states, and repressing surfeit of foreign commodities, that our native commodities, surmounting the foreign, may draw in treasure by way of overplus; they be common places so well known to your lordships, as it is enough to mention them only.

There is only one thing more, which is, to put your lordships in mind of the extreme excess in the wasting of both metals, both of gold and silver foliate, which turns the nature of these metals, which ought to be perdurable, and makes them perishable, and by consumption must be a principal cause of scarcity in them both; which we conceive may receive a speedy remedy by his majesty's proclamation.

Lastly, We are humble suitors to your lordships, that for any of these propositions, that your lordships should think fit to entertain in consultations, your lordships would be pleased to hear them debated before yourselves, as being matters of greater weight than we are able to judge of. And so craving your lordships pardon for troubling you so long, we commend your lordships to God's goodness.

ADVICE TO THE KING,

TOUCHING

MR. SUTTON'S ESTATE.

May it please your Majesty,

I FIND it a positive precept of the old law, that there should be no sacrifice without salt: the moral whereof, besides the ceremony, may be, that God is not pleased with the body of a good intention, except it be seasoned with that spiritual wisdom and judgment, as it be not easily subject to be corrupted and perverted: for salt, in the Scripture, is a figure both of wisdom and lasting. This cometh into my mind upon this act of Mr. Sutton, which seemeth to me as a sacrifice without salt; having the materials of a good intention, but not powdered with any such ordinances and institutions as may preserve the same from turning corrupt, or at least from becoming unsavory, and of little use. For though the choice of the feoffees be of the best, yet neither can they always live; and the very nature of the work itself, in the vast and unfit proportions thereof, being apt to provoke a mis-employment; it is no diligence of theirs, except there be a digression from that model, that can excuse it from running the same way that gifts of like condition have heretofore done. For to design the Charterhouse, a building fit for a prince's habitation, for an hospital, is all one as if one should give in alms a rich embroidered cloak to a beggar. And certainly a man may see, *tanquam quæ oculis cernuntur*, that if such an edifice, with six thousand pounds revenue, be erected into one hospital, it will in small time degenerate to be made a preferment of some great person to be master, and he to take all the sweet, and the poor to be stinted, and take but the crumbs; as it comes to pass in divers

hospitals of this realm, which have but the names of hospitals, and are only wealthy benefices in respect of the mastership; but the poor, which is the *propter quid*, little relieved. And the like hath been the fortune of much of the alms of the Roman religion in their great foundations, which being begun in vainglory and ostentation, have had their judgment upon them, to end in corruption and abuse. This meditation hath made me presume to write these few lines to your majesty; being no better than good wishes, which your majesty's great wisdom may make something or nothing of.

Wherein I desire to be thus understood, that if this foundation, such as it is, be perfect and good in law, then I am too well acquainted with your majesty's disposition, to advise any course of power or profit that is not grounded upon a right: nay farther, if the defects be such as a court of equity may remedy and cure, then I wish that as St. Peter's shadow did cure diseases, so the very shadow of a good intention may cure defects of that nature. But if there be a right, and birthright planted in the heir, and not remediable by courts of equity, and that right be submitted to your majesty, whereby it is both in your power and grace what to do; then I do wish that this rude mass and chaos of a good deed were directed rather to a solid merit, and durable charity, than to a blaze of glory, that will but crackle a little in talk, and quickly extinguish.

And this may be done, observing the species of Mr. Sutton's intent, though varying *in individuo:* for it appears that he had in notion a triple good, an hospital, and a school, and maintaining of a preacher: which individuals refer to these three general heads; relief of poor, advancement of learning, and propagation of religion. Now then if I shall set before your majesty, in every of these three kinds, what it is that is most wanting in your kingdom; and what is like to be the most fruitful and effectual use of such a beneficence, and least like to be perverted; that, I think, shall be no ill scope of my labour, how meanly soever per-

formed; for out of variety represented, election may be best grounded.

Concerning the relief of the poor; I hold some number of hospitals, with competent endowments, will do far more good than one hospital of an exorbitant greatness: for though the one course will be the more seen, yet the other will be the more felt. For if your majesty erect many, besides the observing the ordinary maxim, *Bonum, quo communius, eo melius,* choice may be made of those towns and places where there is most need, and so the remedy may be distributed as the disease is dispersed. Again, greatness of relief, accumulated in one place, doth rather invite a swarm and surcharge of poor, than relieve those that are naturally bred in that place; like to ill-tempered medicines, that draw more humour to the part than they evacuate from it. But chiefly I rely upon the reason that I touched in the beginning, that in these great hospitals the revenues will draw the use, and not the use the revenues; and so, through the mass of the wealth, they will swiftly tumble down to a mis-employment. And if any man say, that in the two hospitals in London there is a precedent of greatness concurring with good employment; let him consider that those hospitals have annual governors, that they are under the superior care and policy of such a state as the city of London; and chiefly, that their revenues consist not upon certainties, but upon casualties and free gifts; which gifts would be withheld, if they appeared once to be perverted; so as it keepeth them in a continual good behaviour and awe to employ them aright; none of which points do match with the present case.

The next consideration may be, whether this intended hospital, as it hath a more ample endowment than other hospitals have, should not likewise work upon a better subject than other poor; as that it should be converted to the relief of maimed soldiers, decayed merchants, housholders aged, and destitute churchmen, and the like; whose condition, being of a better

sort than loose people and beggars, deserveth both a more liberal stipend and allowance, and some proper place of relief, not intermingled or coupled with the basest sort of poor; which project, though specious, yet in my judgment, will not answer the designment in the event, in these our times. For certainly few men in any vocation, which have been somebody, and bear a mind somewhat according to the conscience and remembrance of that they have been, will ever descend to that condition, as to profess to live upon alms, and to become a corporation of declared beggars; but rather will choose to live obscurely, and as it were to hide themselves with some private friends: so that the end of such an institution will be, that it will make the place a receptacle of the worst, idlest, and most dissolute persons of every profession, and to become a cell of loiterers, and cast serving-men, and drunkards, with scandal rather than fruit to the commonwealth. And of this kind I can find but one example with us, which is the alms-knights of Windsor; which particular would give a man small encouragement to follow that precedent.

Therefore the best effect of hospitals is, to make the kingdom, if it were possible, capable of that law, that there be no beggar in Israel: for it is that kind of people that is a burden, an eye-sore, a scandal, and a seed of peril and tumult in the state. But chiefly it were to be wished, that such a beneficence towards the relief of the poor were so bestowed, as not only the mere and naked poor should be sustained, but also, that the honest person which hath hard means to live, upon whom the poor are now charged, should be in some sort eased: for that were a work generally acceptable to the kingdom, if the public hand of alms might spare the private hand of tax: and therefore, of all other employments of that kind, I commend most houses of relief and correction, which are mixt hospitals; where the impotent person is relieved, and the sturdy beggar buckled to work; and the unable person also not maintained to be idle, which is ever joined with drunkenness and impurity, but is sorted with such work as he

can manage and perform; and where the uses are not distinguished, as in other hospitals; whereof some are for aged and impotent, and some for children, and some for correction of vagabonds; but are general and promiscuous: so that they may take off poor of every sort from the country as the country breeds them: and thus the poor themselves shall find the provision, and other people the sweetness of the abatement of the tax. Now if it be objected, that houses of correction in all places have not done the good expected, as it cannot be denied, but in most places they have done much good, it must be remembered that there is a great difference between that which is done by the distracted government of justices of peace, and that which may be done by a settled ordinance, subject to a regular visitation, as this may be. And besides, the want hath been commonly in houses of correction of a competent and certain stock, for the materials of the labour, which in this case may be likewise supplied.

Concerning the advancement of learning, I do subscribe to the opinion of one of the wisest and greatest men of your kingdom: That for grammar schools there are already too many, and therefore no providence to add where there is excess: for the great number of schools which are in your highness's realm, doth cause a want, and doth cause likewise an overflow; both of them inconvenient, and one of them dangerous. For by means thereof they find want in the country and towns, both of servants for husbandry, and apprentices for trade: and on the other side, there being more scholars bred, than the state can prefer and employ; and the active part of that life not bearing a proportion to the preparative, it must needs fall out, that many persons will be bred unfit for other vocations, and unprofitable for that in which they are brought up; which fills the realm full of indigent, idle, and wanton people, which are but *materia rerum novarum.*

Therefore, in this point, I wish Mr. Sutton's intention were exalted a degree; that that which he meant for teachers of children, your majesty should make for teachers of men; wherein it hath been my ancient

opinion and observation, that in the universities of this realm, which I take to be of the best endowed universities of Europe, there is nothing more wanting towards the flourishing state of learning, than the honourable and plentiful salaries of readers in arts and professions. In which point, as your majesty's bounty already hath made a beginning, so this occasion is offered of God to make a proceeding. Surely, readers in the chair are as the parents in sciences, and deserve to enjoy a condition not inferior to their children that embrace the practical part; else no man will sit longer in the chair, than till he can walk to a better preferment: and it will come to pass as Virgil saith,

Ut *patrum invalidi referant jejunia nati.*

For if the principal readers, through the meanness of their entertainment, be but men of superficial learning, and that they shall take their place but in passage, it will make the mass of sciences want the chief and solid dimension, which is depth; and to become but pretty and compendious habits of practice. Therefore I could wish that in both the universities, the lectures as well of the three professions, divinity, law, and physic; as of the three heads of science, philosophy, arts of speech, and the mathematics; were raised in their pensions unto 100*l.* *per annum* apiece: which though it be not near so great as they are in some other places, where the greatness of the reward doth whistle for the ablest men out of all foreign parts to supply the chair; yet it may be a portion to content a worthy and able man; if he be likewise contemplative in nature, as those spirits are that are fittest for lectures. Thus may learning in your kingdom be advanced to a farther height; learning, I say, which under your majesty, the most learned of kings, may claim some degree of elevation.

Concerning propagation of religion, I shall in few words set before your majesty three propositions; none of them devices of mine own, otherwise than that I ever approved them; two of which have been in agitation of speech, and the third acted.

The first is a college for controversies, whereby we shall not still proceed single, but shall, as it were, double our files; which certainly will be found in the encounter.

The second is a receipt, I like not the word seminary, in respect of the vain vows, and implicit obedience, and other things tending to the perturbation of states, involved in that term, for converts to the reformed religion, either of youth or otherwise; for I doubt not but there are in Spain, Italy, and other countries of the papists, many whose hearts are touched with a sense of those corruptions, and an acknowledgment of a better way; which grace is many times smothered and choked, through a worldly consideration of necessity and want; men not knowing where to have succour and refuge. This likewise I hold a work of great piety, and a work of great consequence; that we also may be wise in our generation; and that the watchful and silent night may be used as well for sowing of good seed, as of tares.

The third is, the imitation of a memorable and religious act of queen Elizabeth; who finding a part of Lancashire to be extremely backward in religion, and the benefices swallowed up in impropriations, did, by decree in the duchy, erect four stipends of 100*l.* *per annum* apiece for preachers well chosen to help the harvest, which have done a great deal of good in the parts where they have laboured. Neither do there want other corners in the realm, that would require for a time the like extraordinary help.

Thus have I briefly delivered unto your majesty mine opinion touching the employment of this charity; whereby that mass of wealth, which was in the owner little better than a stack or heap of muck, may be spread over your kingdom to many fruitful purposes; your majesty planting and watering, and God giving the increase.

A

SPEECH

DELIVERED BY THE KING'S ATTORNEY,

SIR FRANCIS BACON,

IN THE LOWER HOUSE,

When the House was in great heat, and much troubled about the

UNDERTAKERS;

Which were thought to be some able and forward gentlemen; who, to ingratiate themselves with the King, were said to have undertaken, that the King's business should pass in that house as his majesty could wish.

[In the Parliament 12 JACOBI.]

Mr. Speaker,

I HAVE been hitherto silent in this matter of undertaking, wherein, as I perceive, the house is much enwrapped.

First, because, to be plain with you, I did not well understand what it meant, or what it was; and I do not love to offer at that, that I do not throughly conceive. That private men should undertake for the commons of England! why, a man might as well undertake for the four elements. It is a thing so giddy, and so vast, as cannot enter into the brain of a sober man: and especially in a new parliament; when it was impossible to know who should be of the parliament: and when all men, that know never so little the constitution of this house, do know it to be so open to reason, as men do not know when they enter into these doors what mind themselves will be of, until they hear things argued and debated. Much less can any man make a policy of assurance, what ship shall come safe

home into the harbour in these seas. I had heard of undertakings in several kinds. There were undertakers for the plantations of Derry and Colerane in Ireland, the better to command and bridle those parts. There were, not long ago, some undertakers for the north-west passage: and now there are some undertakers for the project of dyed and dressed cloths; and, in short, every novelty useth to be strengthened and made good by a kind of undertaking; but for the ancient parliament of England, which moves in a certain manner and sphere, to be undertaken, it passes my reach to conceive what it should be. Must we be all dyed and dressed, and no pure whites amongst us? Or must there be a new passage found for the king's business by a point of the compass that was never sailed by before? Or must there be some forts built in this house that may command and contain the rest? Mr. Speaker, I know but two forts in this house which the king ever hath; the fort of affection, and the fort of reason: the one commands the hearts, and the other commands the heads; and others I know none. I think Æsop was a wise man that described the nature of the fly that sat upon the spoke of the chariot wheel, and said to herself, "What a dust do I raise?" So, for my part, I think that all this dust is raised by light rumours and buzzes, and not upon any solid ground.

The second reason that made me silent was, because this suspicion and rumour of undertaking settles upon no person certain. It is like the birds of Paradise that they have in the Indies, that have no feet; and therefore they never light upon any place, but the wind carries them away: and such a thing do I take this rumour to be.

And lastly, when that the king had in his two several speeches freed us from the main of our fears, in affirming directly that there was no undertaking to him; and that he would have taken it to be no less derogation to his own majesty than to our merits, to have the acts of his people transferred to particular persons; that did quiet me thus far, that these vapours were

not gone up to the head, howsoever they might glow and estuate in the body.

Nevertheless, since I perceive that this cloud still hangs over the house, and that it may do hurt, as well in fame abroad as in the king's ear, I resolved with myself to do the part of an honest voice in this house, to counsel you what I think to be for the best.

Wherein first, I will speak plainly of the pernicious effects of the accident of this bruit and opinion of undertaking, towards particulars, towards the house, towards the king, and towards the people.

Secondly, I will tell you, in mine opinion, what undertaking is tolerable, and how far it may be justified with a good mind; and on the other side, this same ripping up of the question of undertakers, how far it may proceed from a good mind, and in what kind it may be thought malicious and dangerous.

Thirdly, I will give you my poor advice, what means there are to put an end to this question of undertaking; not falling for the present upon a precise opinion, but breaking it, how many ways there be by which you may get out of it, and leaving the choice of them to a debate at the committee.

And lastly, I will advise you how things are to be handled at the committee, to avoid distraction and loss of time.

For the first of these, I can say to you but as the Scripture saith, *Si invicem mordetis, ab invicem consumemini;* if ye fret and gall one another's reputation, the end will be, that every man shall go hence, like coin cried down, of less price than he came hither. If some shall be thought to fawn upon the king's business openly, and others to cross it secretly, some shall be thought practisers that would pluck the cards, and others shall be thought papists that would shuffle the cards; what a misery is this, that we should come together to fool one another, instead of procuring the public good!

And this ends not in particulars, but will make the whole house contemptible: for now I hear men say, that this question of undertaking is the predominant

matter of this house. So that we are now according to the parable of Jotham in the case of the trees of the forest, that when question was, Whether the vine should reign over them? that might not be: and whether the olive should reign over them? that might not be: but we have accepted the bramble to reign over us. For it seems that the good vine of the king's graces, that is not so much in esteem; and the good oil, whereby we should salve and relieve the wants of the estate and crown, that is laid aside too: and this bramble of contention and emulation; this Abimelech, which, as was truly said by an understanding gentleman, is a bastard, for every fame that wants a head, is *filius populi*, this must reign and rule amongst us.

Then for the king, nothing can be more opposite, *ex diametro*, to his ends and hopes, than this: for you have heard him profess like a king, and like a gracious king, that he doth not so much respect his present supply, as this demonstration that the people's hearts are more knit to him than before. Now then if the issue shall be this, that whatsoever shall be done for him shall be thought to be done but by a number of persons that shall be laboured and packed; this will rather be a sign of diffidence and alienation, than of a natural benevolence and affection in his people at home; and rather matter of disreputation, than of honour abroad. So that, to speak plainly to you, the king were better call for a new pair of cards, than play upon these if they be packed.

And then for the people, it is my manner ever to look as well beyond a parliament as upon a parliament; and if they abroad shall think themselves betrayed by those that are their deputies and attorneys here, it is true we may bind them and conclude them, but it will be with such murmur and insatisfaction as I would be loth to see.

These things might be dissembled, and so things left to bleed inwards; but that is not the way to cure them. And therefore I have searched the sore, in hope that you will endeavour the medicine.

But this to do more throughly, I must proceed to

my second part, to tell you clearly and distinctly what is to be set on the right hand, and what on the left, in this business.

First, if any man hath done good offices to advise the king to call a parliament, and to increase the good affection and confidence of his majesty towards his people; I say, that such a person doth rather merit well, than commit any error. Nay farther, if any man hath, out of his own good mind, given an opinion touching the minds of the parliament in general; how it is probable they are like to be found, and that they will have a due feeling of the king's wants, and will not deal drily or illiberally with him; this man, that doth but think of other mens minds, as he finds his own, is not to be blamed. Nay farther, if any man hath coupled this with good wishes and propositions, that the king do comfort the hearts of his people, and testify his own love to them, by filing off the harshness of his prerogative, retaining the substance and strength; and to that purpose, like the good housholder in the Scripture, that brought forth old store and new, hath revolved the petitions and propositions of the last parliament, and added new; I say, this man hath sown good seed; and he that shall draw him into envy for it, sows tares. Thus much of the right hand. But on the other side, if any shall mediately or immediately infuse into his majesty, or to others, that the parliament is, as Cato said of the Romans, "like sheep, that a man were better "drive a flock of them than one of them:" and however they may be wise men severally, yet in this assembly they are guided by some few, which if they be made and assured, the rest will easily follow: this is a plain robbery of the king of honour, and his subjects of thanks, and it is to make the parliament vile and servile in the eyes of their sovereign; and I count it no better than a supplanting of the king and kingdom. Again, if a man shall make this impression, that it shall be enough for the king to send us some things of shew that may serve for colours, and let some eloquent tales be told of them, and that will serve *ad faciendum populum;* any such person will find that

this house can well skill of false lights, and that it is no wooing tokens, but the true love already planted in the breasts of the subjects, that will make them do for the king. And this is my opinion touching those that may have persuaded a parliament. Take it on the other side, for I mean in all things to deal plainly, if any man hath been diffident touching the call of a parliament, thinking that the best means were, first for the king to make his utmost trial to subsist of himself, and his own means; I say, an honest and faithful heart might consent to that opinion, and the event, it seems, doth not greatly discredit it hitherto. Again, if any man shall have been of opinion, that it is not a particular party that can bind the house; nor that it is not shews or colours can please the house; I say, that man, though his speech tend to discouragement, yet it is coupled with providence. But, by your leave, if any man, since the parliament was called, or when it was in speech, shall have laid plots to cross the good will of the parliament to the king, by possessing them that a few shall have the thanks, and that they are, as it were, bought and sold, and betrayed; and that that which the king offers them are but baits prepared by particular persons; or have raised rumours that it is a packed parliament; to the end nothing may be done, but that the parliament may be dissolved, as gamesters use to call for new cards, when they mistrust a pack: I say, these are engines and devices naught, malign, and seditious.

Now for the remedy; I shall rather break the matter, as I said in the beginning, than advise positively. I know but three ways. Some message of declaration to the king; some entry or protestation amongst ourselves; or some strict and punctual examination. As for the last of these, I assure you I am not against it, if I could tell where to begin, or where to end. For certainly I have often seen it, that things when they are in smother trouble more than when they break out. Smoke blinds the eyes, but when it blazeth forth into flame it gives light to the eyes. But then if you fall to an examination, some person must be charged,

some matter must be charged; and the manner of that matter must be likewise charged; for it may be in a good fashion, and it may be in a bad, in as much difference as between black and white: and then how far men will ingenuously confess, how far they will politicly deny, and what we can make and gather upon their confession, and how we shall prove against their denial; it is an endless piece of work, and I doubt that we shall grow weary of it.

For a message to the king, it is the course I like best, so it be carefully and considerately handled: for if we shall represent to the king the nature of this body as it is, without the veils or shadows that have been cast upon it, I think we shall do him honour, and ourselves right.

For any thing that is to be done amongst ourselves, I do not see much gained by it, because it goes no farther than ourselves; yet if any thing can be wisely conceived to that end, I shall not be against it; but I think the purpose of it is fittest to be, rather that the house conceives that all this is but a misunderstanding, than to take knowledge that there is indeed a just ground, and then to seek, by a protestation, to give it a remedy. For protestations, and professions, and apologies, I never found them very fortunate; but they rather increase suspicion than clear it.

Why then the last part is, that these things be handled at the committee seriously and temperately; wherein I wish that these four degrees of questions were handled in order.

First, whether we shall do any thing at all in it, or pass by it, and let it sleep?

Secondly, whether we shall enter into a particular examination of it?

Thirdly, whether we shall content ourselves with some entry or protestation among ourselves?

And fourthly, whether we shall proceed to a message to the king; and what?

Thus I have told you my opinion. I know it had been more safe and politic to have been silent; but it is perhaps more honest and loving to speak. The old

verse is *Nam nulli tacuisse nocet, nocet esse locutum.* But, by your leave, David saith, *Silui a bonis, et dolor meus renovatus est.* When a man speaketh, he may be wounded by others; but if he hold his peace from good things, he wounds himself. So I have done my part, and leave it to you to do that which you shall judge to be the best.

HIS LORDSHIP'S SPEECH

IN THE PARLIAMENT,

BEING

LORD CHANCELLOR,

TO

THE SPEAKER'S EXCUSE.

Mr Serjeant RICHARDSON,

The king hath heard and observed your grave and decent speech, tending to the excuse and disablement of yourself for the place of Speaker. In answer whereof his majesty hath commanded me to say to you, that he doth in no sort admit of the same.

First, Because if the party's own judgment should be admitted in case of elections, touching himself, it would follow, that the most confident and over-weening persons would be received; and the most considerate men, and those that understand themselves best, would be rejected.

Secondly, His Majesty doth so much rely upon the wisdom and discretion of those of the house of commons, that have chosen you with an unanimous consent, that his majesty thinks not good to swerve from their opinion in that wherein themselves are principally interested.

Thirdly, You have disabled yourself in so good and decent a fashion, as the manner of your speech hath destroyed the matter of it.

And therefore the king doth allow of the election, and admit you for speaker.

To the SPEAKER'S ORATION.

Mr. SPEAKER,

THE king hath heard and observed your eloquent discourse, containing much good matter, and much good will: wherein you must expect from me such an answer only as is pertinent to the occasion, and compassed by due respect of time.

I may divide that which you have said into four parts.

The first was a commendation, or laudative of monarchy.

The second was indeed a large field, containing a thankful acknowledgment of his majesty's benefits, attributes, and acts of government.

The third was some passages touching the institution and use of parliaments.

The fourth and last was certain petitions to his majesty on the behalf of the house and yourself.

For your commendation of monarchy, and preferring it before other estates, it needs no answer: the schools may dispute it; but time hath tried it, and we find it to be the best. Other states have curious frames soon put out of order: and they that are made fit to last, are not commonly fit to grow or spread: and contrariwise those that are made fit to spread and enlarge, are not fit to continue and endure. But monarchy is like a work of nature, well composed both to grow and to continue. From this I pass.

For the second part of your speech, wherein you did with no less truth than affection acknowledge the great felicity which we enjoy by his majesty's reign and government, his majesty hath commanded me to say unto you, that praises and thanksgivings he knoweth to be the true oblations of hearts and loving affections: but that which you offer him he will join with you, in offering it up to God, who is the author of all good; who knoweth also the uprightness of his heart; who he hopeth will continue and increase his blessings both upon himself and his posterity, and likewise upon his kingdoms and the generations of them.

But I for my part must say unto you, as the Grecian orator said long since in the like case: *Solus dignus harum rerum laudator tempus;* Time is the only commender and encomiastic worthy of his majesty and his government.

Why time? For that in the revolution of so many years and ages, as have passed over this kingdom, notwithstanding, many noble and excellent effects were never produced until his majesty's days, but have been reserved as proper and peculiar unto them.

And because this is no part of a panegyric, but merely story, and that they be so many articles of honour fit to be recorded, I will only mention them, extracting part of them out of that you, Mr. Speaker, have said; they be in number eight.

First, His majesty is the first, as you noted it well, that hath laid *lapis angularis*, the corner-stone of these two mighty kingdoms of England and Scotland, and taken away the wall of separation: whereby his majesty is become the monarch of the most puissant and military nations of the world; and, if one of the ancient wise men was not deceived, iron commands gold.

Secondly, The plantation and reduction to civility of Ireland, the second island of the ocean Atlantic, did by God's providence wait for his majesty's times; being a work resembling indeed the works of the ancient heroes: no new piece of that kind in modern times.

Thirdly, This kingdom now first in his majesty's times hath gotten a lot or portion in the new world by the plantation of Virginia and the Summer Islands. And certainly it is with the kingdoms on earth as it is in the kingdom of heaven: sometimes a grain of mustard-seed proves a great tree. Who can tell?

Fourthly, His majesty hath made that truth which was before titularly, in that he hath verified the stile of Defender of the Faith: wherein his majesty's pen hath been so happy, as though the deaf adder will not hear, yet he is charmed that he doth not hiss. I mean in the graver sort of those that have answered his majesty's writings.

Fifthly, it is most certain, that since the conquest we cannot assign twenty years, which is the time that his majesty's reign now draws last upon, of inward and outward peace. Insomuch as the time of Queen Elizabeth, of narrow memory, and always magnified for a peaceable reign, was nevertheless interrupted the first twenty years with a rebellion in England; and both first and last twenty years with rebellions in Ireland. And for I know, that his majesty will make good both his words, as well that of *Nemo me lacessit impune*, as that other of *Beati pacifici*.

Sixthly, That true and primitive office of kings, which is, to sit in the gate and to judge the people, was never performed in like perfection by any of the king's progenitors: whereby his majesty hath shewed himself to be *lex loquens*, and to sit upon the throne, not as a dumb statue, but as a speaking oracle.

Seventhly, For his majesty's mercy, as you noted it well, shew me a time wherein a king of this realm hath reigned almost twenty years, as I said, in his white robes without the blood of any peer of this kingdom: the ax turned once or twice towards a peer, but never struck.

Lastly, The flourishing of arts and sciences recreated by his majesty's countenance and bounty, was never in that height, especially that art of arts, divinity: for that we may truly to God's great glory confess, that since the primitive times, there were never so many stars, for so the Scripture calleth them, in that firmament.

These things, Mr. Speaker, I have partly chosen out of your heap, and are so far from being vulgar, as they are in effect singular and proper to his majesty and his times. So that I have made good, as I take it, my first assertion; that the only worthy commender of his majesty is time: which hath so set off his majesty's merits by the shadow of comparison, as it passeth the lustre or commendation of words.

How then shall I conclude? Shall I say, *O fortunatos nimium sua si bona norint?* No, for I see ye are happy in enjoying them, and happy again in knowing

them. But I will conclude this part with that saying, turned to the right hand: *Si gratum dixeris, omnia dixeris.* Your gratitude contains in a word all that I can say to you touching this parliament.

Touching the third point of your speech, concerning parliaments, I shall need to say little: for there was never that honour done to the institution of parliament, that his majesty did it in his last speech, making it in effect the perfection of monarchy; for that although monarchy was the more ancient, and be independent, yet by the advice and assistance of parliament it is the stronger and the surer built.

And therefore I shall say no more of this point; but as you, Mr. Speaker, did well note, that when the king sits in parliament, and his prelates, peers, and commons attend him, he is in the exaltation of his orb; so I wish things may be so carried, that he may be then in greatest serenity and benignity of aspect; shining upon his people both in glory and grace. Now you know well, that the shining of the sun fair upon the ground, whereby all things exhilarate and do fructify, is either hindered by clouds above or mists below; perhaps by brambles and briers that grow upon the ground itself. All which I hope at this time will be dispelled and removed.

I come now to the last part of your speech, concerning the petitions: but before I deliver his majesty's answer respectively in particular, I am to speak to you some few words in general; wherein, in effect, I shall but glean, his majesty having so excellently and fully expressed himself.

For that, that can be spoken pertinently, must be either touching the subject or matter of parliament business; or of the manner and carriage of the same; or lastly of the time, and the husbanding and marshalling of time.

For the matters to be handled in parliament, they are either of church, state, laws, or grievances.

For the first two, concerning church or state, ye have heard the king himself speak; and as the Scripture saith, *Who is he that in such things shall come*

after the king? For the other two, I shall say somewhat, but very shortly.

For laws, they are things proper for your own element; and therefore therein ye are rather to lead than to be led. Only it is not amiss to put you in mind of two things; the one, that ye do not multiply or accumulate laws more than ye need. There is a wise and learned civilian that applies the curse of the prophet, *Pluet super eos laqueos*, to multiplicity of laws: for they do but ensnare and entangle the people. I wish rather, that ye should either revive good laws that are fallen and discontinued, or provide against the slack execution of laws which are already in force; or meet with the subtile evasions from laws which time and craft hath undermined, than to make *novas creaturas legum*, laws upon a new mould.

The other point, touching laws, is, that ye busy not yourselves too much in private bills, except it be in cases wherein the help and arm of ordinary justice is too short.

For grievances, his majesty hath with great grace and benignity opened himself. Nevertheless, the limitations, which may make up your grievances not to beat the air only, but to sort to a desired effect, are principally two. The one, to use his majesty's term, that ye do not hunt after grievances, such as may seem rather to be stirred here when ye are met, than to have sprung from the desires of the country: ye are to represent the people; ye are not to personate them.

The other, that ye do not heap up grievances, as if numbers should make a shew where the weight is small; or, as if all things amiss, like Plato's commonwealth, should be remedied at once. It is certain, that the best governments, yea, and the best men, are like the best precious stones, wherein every flaw or icicle or grain are seen and noted more than in those that are generally foul and corrupted.

Therefore contain yourselves within that moderation as may appear to bend rather to the effectual ease of the people, than to a discursive envy, or scandal upon the state.

As for the manner of carriage of parliament business, ye must know, that ye deal with a king that hath been longer king than any of you have been parliament men; and a king that is no less sensible of forms than of matter; and is as far from enduring diminution of majesty, as from regarding flattery or vainglory; and a king that understandeth as well the pulse of the hearts of people as his own orb. And therefore, both let your grievances have a decent and reverend form and stile; and to use the words of former parliaments, let them be *tanquam gemitus columbæ*, without pique or harshness: and on the other side, in that ye do for the king, let it have a mark of unity, alacrity, and affection; which will be of this force, that whatsoever ye do in substance, will be doubled in reputation abroad, as in a crystal glass.

For the time, if ever parliament was to be measured by the hour-glass, it is this; in regard of the instant occasion flying away irrecoverably. Therefore let your speeches in the house be the speeches of counsellors, and not of orators; let your committees tend to dispatch, not to dispute; and so marshal the times as the public business, especially the proper business of the parliament, be put first, and private bills be put last, as time shall give leave, or within the spaces of the public.

For the four petitions, his majesty is pleased to grant them all as liberally as the ancient and true custom of parliament doth warrant, and with the cautions that have ever gone with them; that is to say, That the privilege be not used for defrauding of creditors and defeating of ordinary justice: that liberty of speech turn not into licence, but be joined with that gravity and discretion, as may taste of duty and love to your sovereign, reverence to your own assembly, and respect to the matters ye handle: that your accesses be at such fit times, as may stand best with his majesty's pleasure and occasions: that mistakings and misunderstandings be rather avoided and prevented, as much as may be, than salved or cleared.

OF THE

TRUE GREATNESS

OF THE

KINGDOM OF BRITAIN.

TO KING JAMES.

Fortunatos nimium sua si bona norint.

THE greatness of kingdoms and dominions in bulk and territory doth fall under measure and demonstration that cannot err: but the just measure and estimate of the forces and power of an estate is a matter, than the which there is nothing among civil affairs more subject to error, nor that error more subject to perilous consequence. For hence may proceed many inconsiderate attempts and insolent provocations in states that have too high an imagination of their own forces: and hence may proceed, on the other side, a toleration of many fair grievances and indignities, and a loss of many opportunities, in states that are not sensible enough of their own strength. Therefore, that it may the better appear what greatness your majesty hath obtained of God, and what greatness this island hath obtained by you, and what greatness it is, that by the gracious pleasure of Almighty God you shall leave and transmit to your children and generations as the first founder; I have thought good, as far as I can comprehend, to make a true survey and representation of the greatness of this your kingdom of Britain; being for mine own part persuaded, that the supposed prediction, *Video solem orientem in occidente*, may be no less a true vision applied to Britain, than to any other kingdom of Europe; and being out of doubt that none of the great monarchies, which in the memory of times have risen in the habitable world, had so fair seeds and beginnings as hath this your estate

[illegible]

First, That in the consciousness of ourselves we perceive what is necessarily the essential condition of perception;

Secondly, That there is the essential condition of every act of will;

Thirdly, That there is the essential condition of the [illegible] and that will be affirmative and unconditional.

And [illegible], That there is the essential condition of the consciousness and knowledge of bodies [illegible] will fall under this distinction.

First, That in consciousness we perceive a [illegible] and place of existence;

Secondly, That in consciousness we perceive essentially the [illegible];

Thirdly, That it is impossible to [illegible] and existence of [illegible] and that they must [illegible];

Fourthly, That it is impossible to [illegible] that every [illegible] by that will be [illegible]

dier, and not only certain conditions or degrees of men.

Fifthly, That it consisteth in the temper of the government fit to keep the subjects in good heart and courage, and not to keep them in the condition of servile vassals.

And sixthly, That it consisteth in the commandment of the sea.

And let no man so much forget the subject propounded, as to find strange, that here is no mention of religion, laws, or policy. For we speak of that which is proper to the amplitude and growth of states, and not of that which is common to their preservation, happiness, and all other points of well-being. First, therefore, touching largeness of territories, the true greatness of kingdoms upon earth is not without some analogy with the kingdom of heaven, as our Saviour describes it: which he doth resemble, not to any great kernel or nut, but to one of the least grains; but yet such a one, as hath a property to grow and spread. For as for large countries and multitude of provinces, they are many times rather matters of burden than of strength, as may manifestly appear both by reason and example. By reason thus. There be two manners of securing of large territories, the one by the natural arms of every province, and the other by the protecting arms of the principal estate, in which case commonly the provincials are held disarmed. So are there two dangers incident unto every estate, foreign invasion, and inward rebellion. Now such is the nature of things, that these two remedies of estate do fall respectively into these two dangers, in case of remote provinces. For if such an estate rest upon the natural arms of the provinces, it is sure to be subject to rebellion or revolt; if upon protecting arms, it is sure to be weak against invasion: neither can this be avoided.

Now for examples, proving the weakness of states possessed of large territories, I will use only two, eminent and selected. The first shall be of the kingdom of Persia, which extended from Egypt, inclusive,

unto Bactria, and the borders of the East India; and yet nevertheless was over-run and conquered, in the space of seven years, by a nation not much bigger than this isle of Britain, and newly grown into name, having been utterly obscure till the time of Philip the son of Amyntas. Neither was this effected by any rare or heroical prowess in the conqueror, as is vulgarly conceived, for that Alexander the Great goeth now for one of the wonders of the world; for those that have made a judgment grounded upon reason of estate, do find that conceit to be merely popular, for so Livy pronounceth of him, *Nihil aliud quam bene ausus vana contemnere.* Wherein he judgeth of vastness of territory as a vanity that may astonish a weak mind, but no ways trouble a sound resolution. And those that are conversant attentively in the histories of those times, shall find that this purchase which Alexander made and compassed, was offered by fortune twice before to others, though by accident they went not through with it; namely, to Agesilaus, and Jason of Thessaly: for Agesilaus, after he had made himself master of most of the low provinces of Asia, and had both design and commission to invade the higher countries, was diverted and called home upon a war excited against his country by the states of Athens and Thebes, being incensed by their orators and counsellors, which were bribed and corrupted from Persia, as Agesilaus himself avouched pleasantly, when he said, That an hundred thousand archers of the king of Persia had driven him home: understanding it, because an archer was the stamp upon the Persian coin of gold. And Jason of Thessaly, being a man born to no greatness, but one that made a fortune of himself, and had obtained by his own vivacity of spirit, joined with the opportunities of time, a great army compounded of voluntaries and adventurers, to the terror of all Græcia, that continually expected where that cloud would fall; disclosed himself in the end, that his design was for an expedition into Persia, the same which Alexander not many years after atchieved, wherein he was interrupted by a private conspiracy

against his life, which took effect. So that it appeareth, as was said, that it was not any miracle of accident that raised the Macedonian monarchy, but only the weak composition of that vast state of Persia, which was prepared for a prey to the first resolute invader.

The second example that I will produce, is of the Roman empire, which had received no diminution in territory, though great in virtue and forces, till the time of Jovianus. For so it was alledged by such as opposed themselves to the rendering Nisibis upon the dishonourable retreat of the Roman army out of Persia. At which time it was avouched, that the Romans, by the space of 800 years, had never, before that day, made any cession or renunciation to any part of their territory, whereof they had once had a constant and quiet possession. And yet, nevertheless, immediately after the short reign of Jovianus, and towards the end of the joint reign of Valentinianus and Valens, which were his immediate successors, and much more in the times succeeding, the Roman empire, notwithstanding the magnitude thereof, became no better than a carcase, whereupon all the vultures and birds of prey of the world did seize and ravine for many ages, for a perpetual monument of the essential difference between the scale of miles, and the scale of forces. And therefore, upon these reasons and examples, we may safely conclude, that largeness of territory is so far from being a thing inseparable from greatness of power, as it is many times contrariant and incompatible with the same. But to make a reduction of that error to a truth, it will stand thus, that then greatness of territory addeth strength, when it hath these four conditions:

First, That the territories be compacted, and not dispersed.

Secondly, That the region which is the heart and seat of the state, be sufficient to support those parts, which are but provinces and additions.

Thirdly, That the arms or martial virtue of the state be in some degree answerable to the greatness of dominion.

And lastly, That no part or province of the state be

utterly unprofitable, but do confer some use or service to the state.

The first of these is manifestly true, and scarcely needeth any explication. For if there be a state that consisteth of scattered points instead of lines, and slender lines instead of latitudes, it can never be solid, and in the solid figure is strength. But what speak we of mathematical principles? The reason of state is evident, that if the parts of an estate be disjoined and remote, and so be interrupted with the provinces of another sovereignty; they cannot possibly have ready succours in case of invasion, nor ready suppression in case of rebellion, nor ready recovery in case of loss or alienation by either of both means. And therefore we see what an endless work the king of Spain hath had to recover the Low-Countries, although it were to him patrimony and not purchase; and that chiefly in regard of the great distance. So we see that our nation kept Calais a hundred years space after it lost the rest of France, in regard of the near situation; and yet in the end they that were nearer carried it by surprise, and over-ran succour.

Therefore Titus Quintius made a good comparison of the state of the Achaians to a tortoise, which is safe when it is retired within the shell, but if any part be put forth, then the part exposed endangereth all the rest. For so it is with states that have provinces dispersed, the defence whereof doth commonly consume and decay, and sometimes ruin the rest of the estate. And so likewise we may observe, that all the great monarchies, the Persians, the Romans, and the like of the Turks, they had not any provinces to the which they needed to demand access through the country of another: neither had they any long races or narrow angles of territory, which were environed or clasped in with foreign states; but their dominions were continued and entire, and had thickness and squareness in their orb or contents. But these things are without contradiction.

For the second, concerning the proportion between the principal region, and those which are but secon-

dary, there must evermore distinction be made between the body or stem of the tree, and the boughs and branches. For if the top be over great, and the stalk too slender, there can be no strength. Now, the body is to be accounted so much of an estate, as is not separated or distinguished with any mark of foreigners, but is united specially with the bond of naturalization; and therefore we see that when the state of Rome grew great, they were enforced to naturalize the Latins or Italians, because the Roman stem could not bear the provinces and Italy both as branches: and the like they were contented after to do to most of the Gauls. So on the contrary part, we see in the state of Lacedæmon, which was nice in that point, and would not admit their confederates to be incorporate with them, but rested upon the natural-born subjects of Sparta, how that a small time after they had embraced a larger empire, they were presently surcharged, in respect to the slenderness of the stem. For so in the defection of the Thebans and the rest against them, one of the principal revolters spake most aptly, and with great efficacy in the assembly of the associates, telling them, That the state of Sparta was like a river, which, after that it had run a great way, and taken other rivers and streams into it, ran strong and mighty, but about the head and fountain of it was shallow and weak; and therefore advised them to assail and invade the main of Sparta, knowing they should there find weak resistance either of towns or in the field: of towns, because upon confidence of their greatness they fortified not upon the main; in the field, because their people was exhaust by garrisons and services far off. Which counsel proved sound, to he astonishment of all Græcia at that time.

For the third, concerning the proportion of the military forces of a state to the amplitude of empire, it cannot be better demonstrated than by the two first examples which we produced of the weakness of large territory, if they be compared within themselves according to difference of time. For Persia at a time was strengthened with large territory, and at another

time weakened; and so was Rome. For while they flourished in arms, the largeness of territory was a strength to them, and added forces, added treasures, added reputation: but when they decayed in arms, then greatness became a burden. For their protecting forces did corrupt, supplant, and enervate the natural and proper forces of all their provinces, which relied and depended upon the succours and directions of the state above. And when that waxed impotent and slothful, then the whole state laboured with her own magnitude, and in the end fell with her own weight. And that, no question, was the reason of the strange inundations of people which both from the east and north-west overwhelmed the Roman empire in one age of the world, which a man upon the sudden would attribute to some constellation or fatal revolution of time, being indeed nothing else but the declination of the Roman empire, which having effeminated and made vile the natural strength of the provinces, and not being able to supply it by the strength imperial and sovereign, did, as a lure cast abroad, invite and entice all the nations adjacent, to make their fortunes upon her decays. And by the same reason, there cannot but ensue a dissolution to the state of the Turk, in regard of the largeness of empire, whensoever their martial virtue and discipline shall be further relaxed, whereof the time seemeth to approach. For certainly like as great stature in a natural body is some advantage in youth, but is but burden in age; so it is with great territory, which when a state beginneth to decline, doth make it stoop and buckle so much the faster.

For the fourth and last, it is true, that there is to be required and expected as in the parts of a body, so in the members of a state, rather propriety of service, than equality of benefit. Some provinces are more wealthy, some more populous, and some more warlike; some situate aptly for the excluding or expulsing of foreigners, and some for the annoying and bridling of suspected and tumultuous subjects; some are profitable in present, and some may be converted and im-

proved to profit by plantations and good policy. And therefore true consideration of estate can hardly find what to reject, in matter of territory, in any empire, except it be some glorious acquests obtained sometime in the bravery of wars, which cannot be kept without excessive charge and trouble; of which kind were the purchases of king Henry VIII. that of Tournay; and that of Bologne; and of the same kind are infinite other the like examples almost in every war, which for the most part upon treaties of peace are restored.

Thus have we now defined where the largeness of territory addeth true greatness, and where not. The application of these positions unto the particular or supposition of this your majesty's kingdom of Britain, requireth few words. For, as I professed in the beginning, I mean not to blazon or amplify, but only to observe and express matter.

First, Your majesty's dominion and empire comprehendeth all the islands of the north-west ocean, where it is open, until you come to the imbarred or frozen sea, towards Iceland; in all which tract it hath no intermixture or interposition of any foreign land, but only of the sea, whereof you are also absolutely master.

Secondly, The quantity and content of these countries is far greater than have been the principal or fundamental regions of the greatest monarchies, greater than Persia proper, greater than Macedon, greater than Italy. So as here is potentially body and stem enough for Nabuchodonosor's tree, if God should have so ordained.

Thirdly, The prowess and valour of your subjects is able to master and wield far more territory than falleth to their lot. But that followeth to be spoken of in the proper place.

And lastly, it must be confessed, that whatsoever part of your countries and regions shall be counted the meanest, yet is not inferior to those countries and regions, the people whereof some ages since over-ran the world. We see further by the uniting of the continent of this

island, and the shutting up of the postern, as it was not unfitly termed, all entrance of foreigners is excluded: and we see again, that by the fit situation and configuration of the north of Scotland toward the north of Ireland, and the reputation, commodity, and terror thereof, what good effects have ensued for the better quieting of the troubles of Ireland. And so we conclude this first branch touching largeness of territory.

THE second article was,

That there is too much ascribed to treasure or riches in the balancing of greatness.

Wherein no man can be ignorant of the idolatry that is generally committed in these degenerate times to money, as if it could do all things public and private: but leaving popular errors, this is likewise to be examined by reason and examples, and such reason, as is no new conceit or invention, but hath formerly been discerned by the sounder sort of judgments. For we see that Solon, who was no contemplative wise man, but a statesman and a lawgiver, used a memorable censure to Crœsus, when he shewed him great treasures, and store of gold and silver that he had gathered, telling him, that whensoever another should come that had better iron than he, he would be master of all his gold and silver. Neither is the authority of Machiavel to be despised, specially in a matter whereof he saw the evident experience before his eyes in his own times and country, who derideth the received and current opinion and principle of estate taken first from a speech of Mutianus the lieutenant of Vespasian, That money was the sinews of war; affirming, that it is a mockery, and that there are no other true sinews of war, but the sinews and muscles of mens arms: and that there was never any war, wherein the more valiant people had to deal with the more wealthy, but that the war, if it were well conducted, did nourish and pay itself. And had he not reason so to think, when he saw a needy and ill-provided army of the French, though needy rather by negligence, than want of means, as the French manner oftentimes is,

make their passage only by the reputation of their swords by their sides undrawn, thorough the whole length of Italy, at that time abounding in wealth after a long peace, and that without resistance, and to seize and leave what countries and places it pleased them? But it was not the experience of that time alone, but the records of all times that do concur to falsify that conceit, that wars are decided not by the sharpest sword, but by the greatest purse. And that very text or saying of Mutianus which was the original of this opinion, is misvouched, for his speech was, *Pecuniæ sunt nervi belli civilis*, which is true, for that civil wars cannot be between people of differing valour; and again because in them men are as oft bought as vanquished. But in case of foreign wars, you shall scarcely find any of the great monarchies of the world, but have had their foundations in poverty and contemptible beginnings, being in that point also conform to the heavenly kingdom, of which it is pronounced, *Regnum Dei non venit cum observatione.* Persia, a mountainous country, and a poor people in comparison of the Medes and other provinces which they subdued. The state of Sparta, a state wherein poverty was enacted by law and ordinance; all use of gold and silver and rich furniture being interdicted. The state of Macedonia, a state mercenary and ignoble until the time of Philip. The state of Rome, a state that had poor and pastoral beginnings. The state of the Turks, which hath been since the terror of the world, founded upon a transmigration of some bands of Sarmatian Scythes, that descended in a vagabond manner upon the province that is now termed Turcomannia; out of the remnants whereof, after great variety of fortune, sprang the Otoman family. But never was any position of estate so visibly and substantially confirmed as this, touching the pre-eminence, yea and predominancy of valour above treasure, as by the two descents and inundations of necessitous and indigent people, the one from the east, and the other from the west, that of the Arabians or Saracens, and that of the Goths, Vandals, and the rest: who, as if they had been the true inhe-

ritors of the Roman empire, then dying, or at least grown impotent and aged, entered upon Egypt, Asia, Græcia, Africk, Spain, France, coming to these nations, not as to a prey, but as to a patrimony; not returning with spoil, but seating and planting themselves in a number of provinces, which continue their progeny, and bear their names till this day. And all these men had no other wealth but their adventures, nor no other title but their swords, nor no other press but their poverty. For it was not with most of these people as it is in countries reduced to a regular civility, that no man almost marrieth except he see he have means to live; but population went on, howsoever sustentation followed, and taught by necessity, as some writers report, when they found themselves surcharged with people, they divided their inhabitants into three parts, and one third, as the lot fell, was sent abroad and left to their adventures. Neither is the reason much unlike, though the effect hath not followed in regard of a special diversion, in the nation of the Swisses, inhabiting a country, which in regard of the mountainous situation, and the popular estate, doth generate faster than it can sustain. In which people, it well appeared what an authority iron hath over gold at the battle of Granson, at what time one of the principal jewels of Burgundy was sold for twelve pence, by a poor Swiss, that knew no more a precious stone than did Æsop's cock. And although this people have made no plantations with their arms, yet we see the reputation of them such, as not only their forces have been employed and waged, but their alliance sought and purchased, by the greatest kings and states of Europe. So as though fortune, as it fares sometimes with princes, to their servants, hath denied them a grant of lands, yet she hath granted them liberal pensions, which are made memorable and renowned to all posterity, by the event which ensued to Louis the twelfth; who, being pressed uncivilly by message from them for the inhauncing their pensions, entered into choler and broke out into these words, "What! will these villains of the moun-
"tains put a tax upon me? which words cost him his

dutchy of Milan, and utterly ruined his affairs in Italy. Neither were it indeed possible at this day, that that nation should subsist without descents and impressions upon their neighbours, were it not for the great utterance of people which they make into the services of foreign princes and estates, thereby discharging not only number, but in that number such spirits as are most stirring and turbulent.

And therefore we may conclude, that as largeness of territory, severed from military virtue, is but a burden; so, that treasure and riches severed from the same, is but a prey. It resteth therefore to make a reduction of this error also unto a truth by distinction and limitation, which will be in this manner:

Treasure and moneys do then add true greatness and strength to a state, when they are accompanied with these three conditions:

First, The same condition which hath been annexed to largeness of territory, that is, that they be joined with martial prowess and valour.

Secondly, That treasure doth then advance greatness, when it is rather in mediocrity than in great abundance. And again better, when some part of the state is poor, than when all parts of it are rich.

And lastly, That treasure in a state is more or less serviceable, as the hands are in which the wealth chiefly resteth.

For the first of these, it is a thing that cannot be denied, that in equality of valour the better purse is an advantage. For like as in wrestling between man and man, if there be a great overmatch in strength, it is to little purpose though one have the better breath; but, if the strength be near equal, then he that is shorter winded will, if the wager consist of many falls, in the end have the worst: so it is in the wars, if it be a match between a valiant people and a cowardly, the advantage of treasure will not serve; but if they be near in valour, then the better monied state will be the better able to continue the war, and so in the end to prevail. But if any man think that money can make

those provisions at the first encounters, that no difference of valour can countervail, let him look back but into those examples which have been brought, and he must confess, that all those furnitures whatsoever are but shews and mummeries, and cannot shrowd fear against resolution. For there shall he find companies armed with armour of proof taken out of the stately armories of kings who spared no cost, overthrown by men armed by private bargain and chance as they could get it: there shall he find armies appointed with horses bred of purpose, and in choice races, chariots of war, elephants, and the like terrors, mastered by armies meanly appointed. So of towns strongly fortified, basely yielded, and the like; all being but sheep in a lion's skin, where valour faileth.

For the second point, that competency of treasure is better than surfeit, is a matter of common place or ordinary discourse; in regard that excess of riches, neither in public nor private, ever hath any good effects, but maketh men either slothful and effeminate, and so no enterprisers; or insolent and arrogant, and so overgreat embracers; but most generally cowardly and fearful to lose, according to the adage, *Timidus Plutus;* so as this needeth no further speech. But a part of that assertion requireth a more deep consideration, being a matter not so familiar, but yet most assuredly true. For it is necessary in a state that shall grow and inlarge, that there be that composition which the poet speaks of, *Multis utile bellum:* an ill condition of a state, no question, if it be meant of a civil war, as it was spoken; but a condition proper to a state that shall increase, if it be taken of a foreign war. For except there be a spur in the state, that shall excite and prick them on to wars, they will but keep their own, and seek no further. And in all experience and stories you shall find but three things that prepare and dispose an estate to war: the ambition of governors, a state of soldiers professed, and the hard means to live of many subjects. Whereof the last is the most forcible and the most constant. And this is the true reason of that event which we observed and rehearsed before, that most of the

great kingdoms of the world have sprung out of hardness and scarceness of means, as the strongest herbs out of the barrenest soils.

For the third point, concerning the placing and distributing of treasure in a state, the position is simple; that then treasure is greatest strength to a state, when it is so disposed, as it is readiest and easiest to come by for public service and use: which one position doth infer three conclusions.

First, that there be quantity sufficient of treasure as well in the treasury of the crown or state, as in the purse of the private subject.

Secondly, that the wealth of the subject be rather in many hands than in few.

And thirdly, that it be in those hands, where there is likest to be the greatest sparing, and increase, and not in those hands, wherein there useth to be greatest expence and consumption.

For it is not the abundance of treasure in the subjects hands that can make sudden supply of the want of a state; because reason tells us, and experience both, that private persons have least will to contribute when they have most cause; for when there is noise or expectation of wars, then is always the deadest times for monies, in regard every man restraineth and holdeth fast his means for his own comfort and succour, according as Solomon saith, *The riches of a man are as a strong hold in his own imagination:* and therefore we see by infinite examples, and none more memorable than that of Constantinus the last emperor of the Greeks, and the citizens of Constantinople, that subjects do often choose rather to be frugal dispensers for their enemies, than liberal lenders to their prince. Again, wheresoever the wealth of the subject is engrossed into few hands, it is not possible it should be so respondent and yielding to payments and contributions for the public, both because the true estimation or assessment of great wealth is more obscure and uncertain; and because the burden seemeth lighter when the charge lieth upon many hands; and further, because the same greatness of wealth is for the most part not

collected and obtained without sucking it from many, according to the received similitude of the spleen, which never swelleth but when the rest of the body pineth and abateth. And lastly, it cannot be that any wealth should leave a second overplus for the public that doth not first leave an overplus to the private stock of him that gathers it; and therefore nothing is more certain, than that those states are least able to aid and defray great charge for wars, or other public disbursements, whose wealth resteth chiefly in the hands of the nobility and gentlemen. For what by reason of their magnificence and waste in expence, and what by reason of their desire to advance and make great their own families, and again upon the coincidence of the former reason, because they are always the fewest; small is the help, as to payments or charge, that can be levied or expected from them towards the occasions of a state. Contrary it is of such states whose wealth resteth in the hands of merchants, burghers, tradesmen, freeholders, farmers in the country, and the like, whereof we have a most evident and present example before our eyes, in our neighbours of the Low-Countries, who could never have endured and continued so inestimable and insupportable charge, either by their natural frugality, or by their mechanical industry, were it not also that there was a concurrence in them of this last reason, which is, that their wealth was dispersed in many hands, and not ingrossed into few; and those hands were not much of the nobility, but most and generally of inferior conditions.

To make application of this part concerning treasure to your majesty's kingdoms:

First, I suppose I cannot err, that as to the endowment of your crown, there is not any crown of Europe, that hath so great a proportion of demesne and land revenue. Again, he that shall look into your prerogative shall find it to have as many streams to feed your treasury, as the prerogative of any of the said kings, and yet without oppression or taxing of your people. For they be things unknown in many other states, that all rich mines should be yours, though in the soil of your

subjects; that all wardships should be yours, where a tenure in chief is, of lands held of your subjects; that all confiscations and escheats of treason should be yours, though the tenure be of the subject; that all actions popular, and the fines and casualties thereupon may be informed in your name, and should be due unto you, and a moiety at the least where the subject himself informs. And further, he that shall look into your revenues at the ports of the sea, your revenues in courts of justice, and for the stirring of your seals, the revenues upon your clergy, and the rest, will conclude, that the law of England studied how to make a rich crown, and yet without levies upon your subject. For merchandizing, it is true, it was ever by the kings of this realm despised, as a thing ignoble and indign for a king, though it is manifest, the situation and commodities of this island considered, it is infinite, what your majesty might raise, if you would do as a king of Portugal doth, or a duke of Florence, in matter of merchandise. As for the wealth of the subject *:

To proceed to the articles affirmative, the first was,

That the true greatness of an estate consisteth in the natural and fit situation of the region or place.

Wherein I mean nothing superstitiously touching the fortunes or fatal destiny of any places, nor philosophically touching their configuration with the superior globe. But I understand proprieties and respects merely civil and according to the nature of human actions, and the true considerations of estate. Out of which duly weighed, there doth arise a triple distribution of the fitness of a region for a great monarchy. First, that it be of hard access. Secondly, that it be seated in no extreme angle, but commodiously in the midst of many regions. And thirdly, that it be maritime, or at the least upon great navigable rivers; and be not inland or mediterrane. And that these are not conceits, but notes of event, it appeareth manifestly, that all great monarchies and states have been seated in such manner, as, if you would place them again, ob-

* Memorandum, Here was a blank side left, to continue the sense.

serving these three points which I have mentioned, you cannot place them better; which shews the pre-eminence of nature, unto which human industry or accident cannot be equal, specially in any continuance of time. Nay, if a man look into these things more attentively, he shall see divers of these seats of monarchies, how fortune hath hovered still about the places, coming and going only in regard of the fixed reason of the conveniency of the place, which is immutable. And therefore, first we see the excellent situation of Egypt; which seemeth to have been the most ancient monarchy, how conveniently it stands upon a neck of land commanding both seas on either side, and embracing, as it were with two arms, Asia and Afric, besides the benefit of the famous river of Nilus. And therefore we see what hath been the fortune of that country, there having been two mighty returns of fortune, though at great distance of time; the one in the times of Sesostris, and the other in the empire of the Mamalukes, besides the middle greatness of the kingdom of the Ptolemys, and of the greatness of the caliphs and sultans in the latter times. And this region, we see likewise, is of strait and defensible access, being commonly called of the Romans, *Claustra Ægypti**. Consider in like manner the situation of Babylon, being planted most strongly in regard of lakes and overflowing grounds between the two great navigable rivers of Euphrates and Tigris, and in the very heart of the world; having regard to the four *cardines* of east and west and northern and southern regions. And therefore we see, that although the sovereignty alter, yet the seat still of the monarchy remains in that place. For after the monarchies of the kings of Assyria, which were natural kings of that place, yet when the foreign kings of Persia came in, the seat remained. For although the mansion of the persons of the kings of Persia were sometimes at Susa, and sometimes at Ecbatana, which were termed their winter and their summer parlours, because of the mildness of the air in the one, and the freshness in the other; yet the city of estate continued to be Babylon.

* Mem. To add the reasons of the three properties.

Therefore we see, that Alexander the Great, according to the advice of Calanus the Indian, that shewed him a bladder, which, if it were born down at one end, would rise at the other, and therefore wished him to keep himself in the middle of his empire, chose accordingly Babylon for his seat, and died there. And afterwards likewise in the family of Seleucus and his descendents, kings of the east, although divers of them, for their own glory, were founders of cities of their own names, as Antiochia, Seleucia, and divers others, which they sought by all means to raise and adorn, yet the greatness still remained according unto nature with the ancient seat. Nay, further on, the same remained during the greatness of the kings of Parthia, as appeareth by the verse of Lucan, who wrote in Nero's time.

Cumque superba staret Babylon spolianda trophaeis.

And after that, again it obtained the seat of the highest caliph or successors of Mahomet. And at this day, that which they call Bagdat, which joins to the ruin of the other, containeth one of the greatest satrapies of the Levant. So again Persia, being a country imbarred with mountains, open to the seas, and in the middle of the world, we see hath had three memorable revolutions of great monarchies. The first in the time of Cyrus; the second in the time of the new Artaxerxes, who raised himself in the reign of Alexander Severus, emperor of Rome; and now of late memory, in Ismael the sophy, whose descendents continue in empire and competition with the Turks to this day.

So again Constantinople, being one of the most excellentest seats of the world, in the confines of Europe and Asia.

ADVICE

TO

SIR GEORGE VILLIERS,

AFTERWARDS

DUKE OF BUCKINGHAM,

WHEN HE BECAME

FAVOURITE TO KING JAMES.

Recommending many important Instructions how to govern himself in the Station of Prime Minister.

Written by SIR FRANCIS BACON, *on the Importunity of his Patron and Friend.*

NOBLE SIR,

WHAT you requested of me by word, when I last waited on you, you have since renewed by your letters. Your requests are commands unto me; and yet the matter is of that nature, that I find myself very unable to serve you therein as you desire. It hath pleased the king to cast an extraordinary eye of favour upon you, and you express yourself very desirous to win upon the judgment of your master, and not upon his affections only. I do very much commend your noble ambition herein; for favour so bottomed is like to be lasting; whereas, if it be built but upon the sandy foundation of personal respects only, it cannot be long-lived.

[My lord, when the blessing of God, to whom in the first place I know you ascribe your preferment, and the king's favour, purchased by your noble parts, promising as much as can be expected from a gentleman, had brought you to this high pitch of honour, to be in the eye, and ear, and even in the bosom of your gra-

What is found in crotchets is borrowed from the original edition published in 1

cious master; and you had found by experience the trouble of all mens confluence, and for all matters, to yourself, as a mediator between them and their sovereign, you were pleased to lay this command upon me: first in general, to give you my poor advice for your carriage in so eminent a place, and of so much danger if not wisely discharged: next in particular by what means to give dispatches to suitors of all sorts, for the king's best service, the suitors satisfaction, and your own ease. I humbly return you mine opinion in both these, such as an hermit rather than a courtier can render.]

Yet in this you have erred, in applying yourself to me the most unworthy of your servants, to give assistance upon so weighty a subject.

You know, I am no courtier, nor versed in state affairs; my life, hitherto, hath rather been contemplative than active; I have rather studied books than men; I can but guess, at the most, at these things, in which you desire to be advised: nevertheless, to shew my obedience, though with the hazard of my discretion, I shall yield unto you.

Sir, in the first place, I shall be bold to put you in mind of the present condition you are in; you are not only a courtier, but a bed-chamber man, and so are in the eye and ear of your master; but you are also a favourite; the favourite of the time, and so are in his bosom also; the world hath so voted you, and doth so esteem of you; for kings and great princes, even the wisest of them, have had their friends, their favourites, their privadoes, in all ages; for they have their affections as well as other men. Of these they make several uses; sometimes to communicate and debate their thoughts with them, and to ripen their judgments thereby; sometimes to ease their cares by imparting them; and sometimes to interpose them between themselves and the envy or malice of their people; for kings cannot err, that must be discharged upon the shoulders of their ministers; and they who are nearest unto them must be content to bear the greatest load. [Remember then what your true con-

dition is: the king himself is above the reach of his people, but cannot be above their censures; and you are his shadow, if either he commit an error, and is loth to avow it, but excuses it upon his ministers, of which you are first in the eye; or you commit the fault or have willingly permitted it, and must suffer for it; and so perhaps you may be offered a sacrifice to appease the multitude.] But truly, Sir, I do not believe or suspect that you are chosen to this eminency, out of the last of these considerations: for you serve such a master, who by his wisdom and goodness is as free from the malice or envy of his subjects, as I think, I may truly say, ever any king was, who hath sat upon his throne before him: but I am confident, his majesty hath cast his eyes upon you, as finding you to be such as you should be, or hoping to make you to be such as he would have you to be; for this I may say, without flattery, your outside promiseth as much as can be expected from a gentleman: but be it in the one respect, or other, it belongeth to you to take care of yourself, and to know well what the name of a favourite signifies. If you be chosen upon the former respects, you have reason to take care of your actions and deportment, out of your gratitude, for the king's sake; but if out of the latter, you ought to take the greater care for your own sake.

You are as a new-risen star, and the eyes of all men are upon you; let not your own negligence make you fall like a meteor.

[Remember well the great trust you have undertaken; you are as a continual centinel, always to stand upon your watch to give him true intelligence. If you flatter him, you betray him; if you conceal the truth of those things from him which concern his justice or his honour, although not the safety of his person, you are as dangerous a traitor to his state, as he that riseth in arms against him. A false friend is more dangerous than an open enemy: kings are stiled gods upon earth, not absolute, but *Dixi, Dii estis;* and the next words are, *sed moriemini sicut homines;* they shall die like men, and then all their thoughts perish. They cannot possibly see all things with their own eyes, nor

hear all things with their own ears; they must commit many great trusts to their ministers. Kings must be answerable to God Almighty, to whom they are but vassals, for their actions, and for their negligent omissions: but the ministers to kings, whose eyes, ears, and hands they are, must be answerable to God and man for the breach of their duties, in violation of their trusts, whereby they betray them. Opinion is a master wheel in these cases: that courtier who obtained a boon of the emperor, that he might every morning at his coming into his presence humbly whisper him in the ear and say nothing, asked no unprofitable suit for himself: but such a fancy raised only by opinion cannot be long-lived, unless the man have solid worth to uphold it; otherwise when once discovered it vanisheth suddenly. But when a favourite in court shall be raised upon the foundation of merits, and together with the care of doing good service to the king, shall give good dispatches to the suitors, then can he not choose but prosper.]

The contemplation then of your present condition must necessarily prepare you for action: what time can be well spared from your attendance on your master, will be taken up by suitors, whom you cannot avoid nor decline without reproach. For if you do not already, you will soon find the throng of suitors attend you; for no man, almost, who hath to do with the king, will think himself safe, unless you be his good angel, and guide him; or at least that you be not a *malus genius* against him: so that, in respect of the king your master, you must be very wary that you give him true information; and if the matter concern him in his government, that you do not flatter him: if you do, you are as great a traitor to him in the court of heaven, as he that draws his sword against him: and in respect of the suitors which shall attend you, there is nothing will bring you more honour and more ease, than to do them what right in justice you may, and with as much speed as you may: for believe it, Sir, next to the obtaining of the suit, a speedy and gentle denial, when the case will not bear it, is the most ac-

ceptable to suitors: they will gain by their dispatch; whereas else they shall spend their time and money in attending, and you will gain, in the ease you will find in being rid of their importunity. But if they obtain what they reasonably desired, they will be doubly bound to you for your favour; *Bis dat qui cito dat*, it multiplies the courtesy, to do it with good words and speedily.

That you may be able to do this with the best advantage, my humble advice is this; when suitors come unto you, set apart a certain hour in a day to give them audience: if the business be light and easy, it may by word only be delivered, and in a word be answered; but if it be either of weight or of difficulty, direct the suitor to commit it to writing, if it be not so already, and then direct him to attend for his answer at a set time to be appointed, which would constantly be observed, unless some matter of great moment do interrupt it. When you have received the petitions, and it will please the petitioners well, to have access unto you to deliver them into your own hand, let your secretary first read them, and draw lines under the material parts thereof; for the matter, for the most part, lies in a narrow room. The petitions being thus prepared, do you constantly set apart an hour in a day to peruse those petitions; and after you have ranked them into several files, according to the subject matter, make choice of two or three friends, whose judgments and fidelities you believe you may trust in a business of that nature; and recommend it to one or more of them, to inform you of their opinions, and of their reasons for or against the granting of it. And if the matter be of great weight indeed, then it would not be amiss to send several copies of the same petition to several of your friends, the one not knowing what the other doth, and desire them to return their answers to you by a certain time, to be prefixed, in writing; so shall you receive an impartial answer, and by comparing the one with the other, as out of *responsa prudentium*, you shall both discern the abilities and faithfulness of your friends,

and be able to give a judgment thereupon as an oracle. But by no means trust to your own judgment alone; for no man is omniscient: nor trust only to your servants, who may mislead you or misinform you; by which they may perhaps gain a few crowns, but the reproach will lie upon yourself, if it be not rightly carried.

For the facilitating of your dispatches, my advice is farther, that you divide all the petitions, and the matters therein contained, under several heads: which, I conceive, may be fitly ranked into these eight sorts.

I. Matters that concern religion, and the Church and churchmen.

II. Matters concerning justice, and the laws, and the professors thereof.

III. Councillors, and the council table, and the great offices and officers of the kingdom.

IV. Foreign negociations and embassies.

V. Peace and war, both foreign and civil, and in that the navy and forts, and what belongs to them.

VI. Trade at home and abroad.

VII. Colonies, or foreign plantations.

VIII. The court and curiality.

And whatsoever will not fall naturally under one of these heads, believe me, Sir, will not be worthy of your thoughts, in this capacity, we now speak of. And of these sorts, I warrant you, you will find enough to keep you in business.

I BEGIN with the first, which concerns religion.

1. In the first place, be you yourself rightly persuaded and settled in the true protestant religion, professed by the Church of England; which doubtless is as sound and orthodox in the doctrine thereof, as any Christian Church in the world.

[For religion, if any thing be offered to you touching it, or touching the Church, or Churchmen, or Church-government, rely not only upon yourself, but take the opinion of some grave and eminent divines, especially such as are sad and discreet men, and exemplary for their lives.]

2. In this you need not be a monitor to your gracious master the king: the chiefest of his imperial titles is, to be The Defender of the Faith, and his learning is eminent, not only above other princes, but above other men; be but his scholar, and you are safe in that.

[If any question be moved concerning the doctrine of the Church of England expressed in the thirty-nine articles, give not the least ear to the movers thereof: that is so soundly and so orthodoxly settled, as cannot be questioned without extreme danger to the honour and stability of our religion; which hath been sealed with the blood of so many martyrs and confessors, as are famous through the Christian world. The enemies and underminers thereof are the Romish catholic, so stiling themselves, on the one hand, whose tenets are inconsistent with the truth of religion professed and protested by the Church of England, whence we are called protestants; and the anabaptists, and separatists, and sectaries on the other hand, whose tenets are full of schism, and inconsistent with monarchy: for the regulating of either, there needs no other coercion than the due execution of the laws already established by parliament.]

3. For the discipline of the Church of England by bishops, *etc.* I will not positively say, as some do, that it is *jure divino;* but this I say and think *ex animo,* that it is the nearest to apostolical truth; and confidently I shall say, it is fittest for monarchy of all others. I will use no other authority to you, than that excellent proclamation set out by the king himself in the first year of his reign, and annexed before the book of Common-prayer, which I desire you to read; and if at any time there shall be the least motion made for innovation, to put the king in mind to read it himself: it is most dangerous in a state, to give ear to the least alterations in government.

[If any attempt be made to alter the discipline of our Church, although it be not an essential part of our religion, yet it is so necessary not to be rashly altered, as the very substance of religion will be interested in it: therefore I desire you before any attempt be made of

an innovation by your means, or by any intercession to your master, that you will first read over, and his majesty call to mind that wise and weighty proclamation, which himself penned, and caused to be published in the first year of his reign, and is prefixed in print before the book of Common-prayer, of that impression, in which you will find so prudent, so weighty reasons, not to hearken to innovations, as will fully satisfy you, that it is dangerous to give the least ear to such innovators; but it is desperate to be misled by them: and to settle your judgment, mark but the admonition of the wisest of men, king Solomon, Prov. xxiv. 21. *My son, fear God and the king, and meddle not with those who are given to change.*]

4. Take heed, I beseech you, that you be not an instrument to countenance the Romish catholics. I cannot flatter, the world believes that some near in blood to you are too much of that persuasion; you must use them with fit respects, according to the bonds of nature; but you are of kin, and so a friend to their persons, not to their errors.

5. The archbishops and bishops, next under the king, have the government of the Church and ecclesiastical affairs: be not you the mean to prefer any to those places for any by-respects; but only for their learning, gravity, and worth: their lives and doctrine ought to be exemplary.

6. For deans, and canons or prebends of cathedral churches; in their first institution they were of great use in the Church; they were not only to be of counsel with the bishop for his revenue, but chiefly for his government in causes ecclesiastical: use your best means to prefer such to those places who are fit for that purpose, men eminent for their learning, piety, and discretion, and put the king often in mind thereof; and let them be reduced again to their first institution.

7. You will be often solicited, and perhaps importuned to prefer scholars to church livings: you may further your friends in that way, *cæteris paribus*; otherwise remember, I pray, that these are not places merely of favour; the charge of souls lies upon them;

the greatest account whereof will be required at their own hands; but they will share deeply in their faults who are the instruments of their preferment.

8. Besides the Romish catholics, there is a generation of sectaries, the anabaptists, brownists, and others of their kinds; they have been several times very busy in this kingdom, under the colour of zeal for reformation of religion: the king your master knows their disposition very well; a small touch will put him in mind of them; he had experience of them in Scotland, I hope he will beware of them in England; a little countenance or connivency sets them on fire.

9. Order and decent ceremonies in the Church are not only comely, but commendable; but there must be great care not to introduce innovations, they will quickly prove scandalous; men are naturally overprone to suspicion; the true protestant religion is seated in the golden mean; the enemies unto her are the extremes on either hand.

10. The persons of church-men are to be had in due respect for their work's sake, and protected from scorn; but if a clergyman be loose and scandalous, he must not be patronized nor winked at; the example of a few such corrupt many.

11. Great care must be taken, that the patrimony of the Church be not sacrilegiously diverted to lay uses: his majesty in his time hath religiously stopped a leak that did much harm, and would else have done more. Be sure, as much as in you lies, stop the like upon all occasions.

12. Colleges and schools of learning are to be cherished and encouraged, there to breed up a new stock to furnish the Church and commonwealth when the old store are transplanted. This kingdom hath in later ages been famous for good literature; and if preferment shall attend the deservers, there will not want supplies.

II. NEXT to religion, let your care be to promote justice. By justice and mercy is the king's throne established.

1. Let the rule of justice be the laws of the land,

an impartial arbiter between the king and his people, and between one subject and another: I shall not speak superlatively of them, lest I be suspected of partiality, in regard of my own profession; but this I may truly say, They are second to none in the Christian world.

[They are the best, the equallest in the world between prince and people; by which the king hath the justest prerogative, and the people the best liberty: and if at any time there be an unjust deviation, *Hominis est vitium, non professionis.*]

2. And as far as it may lie in you, let no arbitrary power be intruded: the people of this kingdom love the laws thereof, and nothing will oblige them more, than a confidence of the free enjoying of them; what the nobles upon an occasion once said in parliament, *Nolumus leges Angliæ mutare,* is imprinted in the hearts of all the people.

3. But because the life of the laws lies in the due execution and administration of them, let your eye be, in the first place, upon the choice of good judges: these properties had they need to be furnished with; to be learned in their profession, patient in hearing, prudent in governing, powerful in their elocution to persuade and satisfy both the parties and hearers; just in their judgment; and, to sum up all, they must have these three attributes; they must be men of courage, fearing God, and hating covetousness; an ignorant man cannot, a coward dares not be a good judge.

4. By no means be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the king himself from it, upon the importunity of any for themselves or their friends: if it should prevail, it perverts justice; but if the judge be so just, and of such courage, as he ought to be, as not to be inclined thereby, yet it always leaves a taint of suspicion behind it; judges must be as chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust; and, Sir, the

honour of the judges in their judicature is the king's honour, whose person they represent.

5. There is great use of the service of the judges in their circuits, which are twice in the year held throughout the kingdom: the trial of causes between party and party, or delivering of the gaols in the several counties, are of great use for the expedition of justice; yet they are of much more use for the government of the counties through which they pass, if that were well thought upon.

6. For if they had instructions to that purpose, they might be the best intelligencers to the king of the true state of his whole kingdom, of the disposition of the people, of their inclinations, of their intentions and motions, which are necessary to be truly understood.

7. To this end I could wish, that against every circuit all the judges should, sometimes by the king himself, and sometimes by the lord Chancellor or lord Keeper, in the king's name, receive a charge of those things which the present times did much require; and at their return should deliver a faithful account thereof, and how they found and left the counties through which they passed, and in which they kept their assizes.

8. And that they might the better perform this work, which might be of great importance, it will not be amiss that sometimes this charge be public, as it useth to be in the Star-chamber, at the end of the terms next before the circuit begins, where the king's care of justice, and the good of his people, may be published; and that sometimes also it may be private, to communicate to the judges some things not so fit to be publicly delivered.

9. I could wish also, that the judges were directed to make a little longer stay in a place than usually they do; a day more in a county would be a very good addition; although their wages for their circuits were increased in proportion: it would stand better with the gravity of their employment; whereas now they are sometimes enforced to rise over-early, and to sit over-late, for the dispatch of their business, to the ex-

traordinary trouble of themselves and of the people, their times indeed not being *horæ juridicæ;* and, which is the main, they would have the more leisure to inform themselves, *quasi aliud agentes,* of the true estate of the country.

10. The attendance of the sheriffs of the counties, accompanied with the principal gentlemen, in a comely, not a costly equipage, upon the judges of assize at their coming to the place of their sitting, and at their going out, is not only a civility, but of use also: it raiseth a reverence to the persons and places of the judges, who coming from the king himself on so great an errand, should not be neglected.

11. If any sue to be made a judge, for my own part, I should suspect him: but if either directly or indirectly he should bargain for a place of judicature, let him be rejected with shame; *Vendere jure potest, emerat ille prius.*

12. When the place of a chief judge of a court becomes vacant, a puisne judge of that court, or of another court, who hath approved himself fit and deserving, should be sometimes preferred; it would be a good encouragement for him, and for others by his example.

13. Next to the judge, there would be care used in the choice of such as are called to the degree of serjeants at law, for such they must be first before they be made judges; none should be made serjeants but such as probably might be held fit to be judges afterwards, when the experience at the bar hath fitted them for the bench: therefore by all means cry down that unworthy course of late times used, that they should pay monies for it; it may satisfy some courtiers, but it is no honour to the person so preferred, nor to the king, who thus prefers them.

14. For the king's counsel at the law, especially his attorney and solicitor general, I need say nothing: their continual use for the king's service, not only for his revenue, but for all the parts of his government, will put the king, and those who love his service, in mind to make choice of men every way fit and able for that employment; they had need to be learned in

their profession, and not ignorant in other things; and to be dexterous in those affairs whereof the dispatch is committed to them.

15. The king's attorney of the court of wards is in the true quality of the judges; therefore what hath been observed already of judges, which are intended principally of the three great courts of law at Westminster, may be applied to the choice of the attorney of this court.

16. The like for the attorney of the duchy of Lancaster, who partakes of both qualities, partly of a judge in that court, and partly of an attorney-general for so much as concerns the proper revenue of the duchy.

17. I must not forget the judges of the four circuits in the twelve shires of Wales, who although they are not of the first magnitude, nor need be of the degree of the coif, only the chief justice of Chester, who is one of their number, is so, yet are they considerable in the choice of them, by the same rules as the other judges are; and they sometimes are, and fitly may be, transplanted into the higher courts.

18. There are many courts, as you see, some superior, some provincial, and some of a lower orb: it were to be wished, and is fit to be so ordered, that every of them keep themselves within their proper spheres. The harmony of justice is then the sweetest, when there is no jarring about the jurisdiction of the courts; which methinks wisdom cannot much differ upon, their true bounds being for the most part so clearly known.

19. Having said thus much of the judges, somewhat will be fit to put you in mind concerning the principal ministers of justice: and in the first, of the high sheriffs of the counties, which have been very ancient in this kingdom; I am sure before the conquest; the choice of them I commend to your care, and that at fit times you put the king in mind thereof; that as near as may be they be such as are fit for those places: for they are of great trust and power; the *posse comitatus*, the power of the whole county being legally committed unto him.

20. Therefore it is agreeable with the intention of the law, that the choice of them should be by the commendation of the great officers of the kingdom, and by the advice of the judges, who are presumed to be well read in the condition of the gentry of the whole kingdom: and although the king may do it of himself, yet the old way is the good way.

21. But I utterly condemn the practice of the later times, which hath lately crept into the court, at the back-stairs, that some who are pricked for sheriffs, and were fit, should get out of the bill; and others who were neither thought upon, nor worthy to be, should be nominated, and both for money.

22. I must not omit to put you in mind of the lords lieutenants and deputy lieutenants of the counties: their proper use is for ordering the military affairs, in order to an invasion from abroad, or a rebellion or sedition at home; good choice should be made of them, and prudent instructions given to them, and as little of the arbitrary power, as may be, left unto them; and that the muster-masters, and other officers under them, incroach not upon the subject; that will detract much from the king's service.

23. The justices of peace are of great use. Anciently there were conservators of the peace; these are the same, saving that several acts of parliament have altered their denomination, and enlarged their jurisdiction in many particulars: the fitter they are for the peace of the kingdom, the more heed ought to be taken in the choice of them.

24. But negatively, this I shall be bold to say, that none should be put into either of those commissions with an eye of favour to their persons, to give them countenance or reputation in the places where they live, but for the king's service sake; nor any put out for the disfavour of any great man: it hath been too often used, and hath been no good service to the king.

25. A word more, if you please to give me leave, for the true rules of moderation of justice on the king's part. The execution of justice is committed to his judges, which seemeth to be the severer part; but the

milder part, which is mercy, is wholly left in the king's immediate hand: and justice and mercy are the true supporters of his royal throne.

26. If the king shall be wholly intent upon justice, it may appear with an over-rigid aspect; but if he shall be over-remiss and easy, it draweth upon him contempt. Examples of justice must be made sometimes for terror to some; examples of mercy sometimes, for comfort to others; the one procures fear, and the other love. A king must be both feared and loved, else he is lost.

27. The ordinary courts of justice I have spoken of, and of their judges and judicature: I shall put you in mind of some things touching the high court of parliament in England, which is superlative; and therefore it will behove me to speak the more warily thereof.

28. For the institution of it, it is very ancient in this kingdom: it consisteth of the two houses, of peers and commons, as the members; and of the king's majesty, as the head of that great body: by the king's authority alone, and by his writs, they are assembled, and by him alone are they prorogued and dissolved; but each house may adjourn itself.

29. They being thus assembled, are more properly a council to the king, the great council of the kingdom, to advise his majesty in those things of weight and difficulty, which concern both the king and people, than a court.

30. No new laws can be made, nor old laws abrogated or altered, but by common consent in parliament, where bills are prepared and presented to the two houses, and then delivered, but nothing is concluded but by the king's royal assent; they are but embryos, it is he giveth life unto them.

31. Yet the house of peers hath a power of judicature in some cases: properly to examine, and then to affirm; or, if there be cause, to reverse the judgments which have been given in the court of king's bench, which is the court of highest jurisdiction in the kingdom for ordinary judicature; but in these cases it must be done by writ of error *in parliamento:* and

thus the rule of their proceedings is not *absoluta potestas*, as in making new laws, in that conjuncture as before, but *limitata potestas*, according to the known laws of the land.

32. But the house of commons have only power to censure the members of their own house, in point of election, or misdemeanors in or towards that house; and have not, nor ever had, power so much as to administer an oath to prepare a judgment.

33. The true use of parliaments in this kingdom is very excellent; and they would be often called, as the affairs of the kingdom shall require; and continued as long as is necessary and no longer: for then they be but burdens to the people, by reason of the privileges justly due to the members of the two houses and their attendants, which their just rights and privileges are religiously to be observed and maintained: but if they should be unjustly enlarged beyond their true bounds, they might lessen the just power of the crown, it borders so near upon popularity.

34. All this while I have spoken concerning the common laws of England, generally and properly so called, because it is most general and common to almost all cases and causes, both civil and criminal: but there is also another law, which is called the civil or ecclesiastical law, which is confined to some few heads, and that is not to be neglected: and although I am a professor of the common law, yet am I so much a lover of truth and of learning, and of my native country, that I do heartily persuade that the professors of that law, called civilians, because the civil law is their guide, should not be discountenanced nor discouraged: else whensoever we shall have ought to do with any foreign king or state, we shall be at a miserable loss, for want of learned men in that profession.

III. I come now to the consideration of those things which concern counsellors of state, the council table, and the great offices and officers of the kingdom; which are those who for the most part furnish out that honourable board.

times appointed, and there to consult of what shall be propounded; but also to study those things which may advance the king's honour and safety, and the good of the kingdom, and to communicate the same to the king, or to his fellow-counsellors, as there shall be occasion. And this, Sir, will concern you more than others, by how much you have a larger share in his affections.

7. And one thing I shall be bold to desire you to recommend to his majesty: that when any new thing shall be propounded to be taken into consideration, that no counsellor should suddenly deliver any positive opinion thereof: it is not so easy with all men to retract their opinions, although there shall be cause for it: but only to hear it, and at the most but to break it, at first, that it may be the better understood against the next meeting.

8. When any matter of weight hath been debated, and seemeth to be ready for a resolution; I wish it may not be at that sitting concluded, unless the necessity of the time press it, lest upon second cogitations there should be cause to alter; which is not for the gravity and honour of that board.

9. I wish also that the king would be pleased sometimes to be present at that board; it adds a majesty to it: and yet not to be too frequently there; that would render it less esteemed when it is become common: besides, it may sometimes make the counsellors not be so free in their debates in his presence as they would be in his absence.

10. Besides the giving of counsel, the counsellors are bound by their duties *ex vi termini*, as well as by their oaths, to keep counsel; therefore are they called *de privato consilio regis*, and *a secretioribus consiliis regis*.

11. One thing I add, in the negative, which is not fit for that board, the entertaining of private causes of *meum et tuum*; those should be left to the ordinary course and courts of justice.

12. As there is great care to be used for the counsellors themselves to be chosen, so there is of the clerks of the council also, for the secreting of their

consultations: and methinks, it were fit that his majesty be speedily moved to give a strict charge, and to bind it with a solemn order, if it be not already so done, that no copies of the orders of that table be delivered out by the clerks of the council but by the order of the board; nor any, not being a counsellor, or a clerk of the council, or his clerk, to have access to the council books: and to that purpose, that the servants attending the clerks of the council be bound to secrecy, as well as their masters.

13. For the great offices and officers of the kingdom, I shall say little; for the most part of them are such as cannot well be severed from the counsellorship; and therefore the same rule is to be observed for both, in the choice of them. In the general, only, I advise this, let them be set in those places for which they are probably the most fit.

14. But in the quality of the persons, I conceive it will be most convenient to have some of every sort, as in the time of queen Elizabeth it was: one bishop at the least, in respect of questions touching religion or Church government; one or more skilled in the laws; some for martial affairs; and some for foreign affairs: by this mixture one will help another in all things that shall there happen to be moved. But if that should fail, it will be a safe way, to consult with some other able persons well versed in that point which is the subject of their consultation; which yet may be done so warily, as may not discover the main end therein.

IV. In the next place, I shall put you in mind of foreign negociations, and embassies to or with foreign princes or states; wherein I shall be little able to serve you.

1. Only, I will tell you what was the course in the happy days of queen Elizabeth, whom it will be no dis-reputation to follow: she did vary, according to the nature of the employment, the quality of the persons she employed; which is a good rule to go by.

2. If it were an embassy of gratulation or ceremony, which must not be neglected, choice was made of

some noble person eminent in place and able in purse; and he would take it as a mark of favour, and discharge it without any great burden to the queen's coffers, for his own honour's sake.

3. But if it were an embassy of weight, concerning affairs of state, choice was made of some sad person of known judgment, wisdom, and experience; and not of a young man not weighed in state matters; nor of a mere formal man, whatsoever his title or outside were.

4. Yet in company of such, some young towardly noblemen or gentlemen were usually sent also, as assistants or attendants, according to the quality of the persons; who might be thereby prepared and fitted for the like employment, by this means, at another turn.

5. In their company were always sent some grave and sad men, skilful in the civil laws, and some in the languages, and some who had been formerly conversant in the courts of those princes, and knew their ways; these were assistants in private, but not trusted to manage the affairs in public; that would detract from the honour of the principal ambassador.

6. If the negociation were about merchants affairs, then were the persons employed for the most part doctors of the civil law, assisted with some other discreet men; and in such, the charge was ordinarily defrayed by the company or society of merchants whom the negociation concerned.

7. If lieger ambassadors or agents were sent to remain in or near the courts of those princes or states, as it was ever held fit, to observe the motions, and to hold correspondence with them, upon all occasions, such were made choice of as were presumed to be vigilant, industrious, and discreet men, and had the language of the place whither they were sent; and with these were sent such as were hopeful to be worthy of the like employment at another time.

8. Their care was, to give true and timely intelligence of all occurrences, either to the queen herself, or to the secretaries of state, unto whom they had their immediate relation.

9. Their charge was always borne by the queen, duly paid out of the exchequer, in such proportion, as, according to their qualities and places, might give them an honourable subsistence there: but for the reward of their service, they were to expect it upon their return, by some such preferment as might be worthy of them, and yet be little burden to the queen's coffers or revenues.

10. At their going forth they had their general instructions in writing, which might be communicated to the ministers of that state whither they were sent; and they had also private instructions upon particular occasions: and at their return, they did always render an account of some things to the queen herself, of some things to the body of the council, and of some others to the secretaries of state; who made use of them, or communicated them, as there was cause.

11. In those days there was a constant course held, that by the advice of the secretaries, or some principal counsellors, there were always sent forth into several parts beyond the seas some young men, of whom good hopes were conceived of their towardliness, to be trained up, and made fit for such public employments, and to learn the languages. This was at the charge of the queen, which was not much; for they travelled but as private gentlemen: and as by their industry their deserts did appear, so were they farther employed or rewarded. This course I shall recommend unto you, to breed up a nursery of such public plants.

V. For peace and war, and those things which appertain to either; I in my own disposition and profession am wholly for peace, if please God to bless this kingdom therewith, as for many years past he hath done: and,

1. I presume I shall not need to persuade you to the advancing of it; nor shall you need to persuade the king your master therein, for that he hath hitherto been another Solomon in this our Israel, and the motto which he hath chosen, *Beati pacifici*, shews his own

judgment: but he must use the means to preserve it, else such a jewel may be lost.

2. God is the God of peace; it is one of his attributes, therefore by him alone we must pray, and hope to continue it: there is the foundation.

3. And the king must not neglect the just ways for it; justice is the best protector of it at home, and providence for war is the best prevention of it from abroad.

4. Wars are either foreign or civil; for the foreign war by the king upon some neighbour nation, I hope we are secure; the king in his pious and just disposition is not inclinable thereunto; his empire is long enough, bounded with the ocean, as if the very situation thereof had taught the king and people to set up their rests, and say, *Ne plus ultra.*

5. And for a war of invasion from abroad; only we must not be over-secure: that is the way to invite it.

6. But if we be always prepared to receive an enemy, if the ambition or malice of any should incite him, we may be very confident we shall long live in peace and quietness, without any attempts upon us.

7. To make the preparations hereunto the more assured: in the first place, I will recommend unto you the care of our out-works, the navy royal and shipping of our kingdom, which are the walls thereof: and every great ship is as an impregnable fort; and our many safe and commodious ports and havens, in every of these kingdoms, are as the redoubts to secure them.

8. For the body of the ships, no nation of the world doth equal England for the oaken timber wherewith to build them; and we need not borrow of any other iron for spikes, or nails, to fasten them together; but there must be a great deal of providence used, that our ship timber be not unnecessarily wasted.

9. But for tackling, as sails and cordage, we are beholden to our neighbours for them, and do buy them for our money; that must be foreseen and laid up in store against a time of need, and not sought for when we are to use them: but we are much to blame that we make them not at home; only pitch and tar we have not of our own.

10. For the true art of building of ships, for burden and service both, no nation in the world exceeds us; ship-wrights and all other artisans belonging to that trade must be cherished and encouraged.

11. Powder and ammunition of all sorts we can have at home, and in exchange for other home commodities we may be plentifully supplied from our neighbours, which must not be neglected.

12. With mariners and seamen this kingdom is plentifully furnished: the constant trade of merchandising will furnish us at a need; and navigable rivers will repair the store, both to the navy royal and to the merchants, if they be set on work, and well paid for their labour.

13. Sea captains and commanders and other officers must be encouraged, and rise by degrees, as their fidelity and industry deserve it.

[Let brave spirits that have fitted themselves for command, either by sea or land, not be laid by, as persons unnecessary for the time: let arms and ammunition of all sorts be provided and stored up, as against a day of battle; let the ports and forts be fitted so, as if by the next wind we should hear of an alarm; such a known providence is the surest protection. But of all wars, let both prince and people pray against a war in our own bowels: the king by his wisdom, justice, and moderation, must foresee and stop such a storm, and if it fall must allay it; and the people by their obedience must decline it. And for a foreign war intended by an invasion to enlarge the bounds of our empire, which are large enough, and are naturally bounded with the ocean, I have no opinion either of the justness or fitness of it; and it were a very hard matter to attempt it with hope of success, seeing the subjects of this kingdom believe it is not legal for them to be enforced to go beyond the seas, without their own consent, upon hope of an unwarranted conquest; but to resist an invading enemy, or to suppress rebels, the subject may and must be commanded out of the counties where they inhabit. The whole kingdom is but

one intire body; else it will necessarily be verified, which elsewhere was asserted, *Dum singuli pugnamus, omnes vincimur.*]

14. Our strict league of amity and alliance with our near neighbours the Hollanders is a mutual strength to both; the shipping of both, in conjuncture, being so powerful, by God's blessing, as no foreigners will venture upon; this league and friendship must inviolably be observed.

15. From Scotland we have had in former times some alarms, and inroads into the northern parts of this kingdom; but that happy union of both kingdoms under one sovereign, our gracious king, I hope, hath taken away all occasions of breach between the two nations. Let not the cause arise from England, and I hope the Scots will not adventure it; or if they do, I hope they will find, that although to our king they were his first-born subjects, yet to England belongs the birthright: but this should not be any cause to offer any injury to them, nor to suffer any from them.

16. There remains then no danger, by the blessing of God, but a civil war, from which God of his mercy defend us, as that which is most desperate of all others. The king's wisdom and justice must prevent it, if it may be; or if it should happen, *quod absit*, he must quench that wild-fire with all the diligence that possibly can be.

17. Competition to the crown there is none, nor can be, therefore it must be a fire within the bowels, or nothing; the cures whereof are these, *remedium præveniens*, which is the best physic, either to a natural body, or to a state, by just and equal government to take away the occasion; and *remedium puniens*, if the other prevail not: the service and vigilancy of the deputy lieutenants in every county, and of the high sheriff, will contribute much herein to our security.

18. But if that should not prevail, by a wise and timous inquisition, the peccant humours and humorists must be discovered, and purged, or cut off; mercy, in such a case, in a king is true cruelty.

19. Yet if the heads of the tribes can be taken off,

and the misled multitude will see their error, and return to their obedience, such an extent of mercy is both honourable and profitable.

20. A king, against a storm, must foresee to have a convenient stock of treasure; and neither be without money, which is the sinews of war, nor to depend upon the courtesy of others, which may fail at a pinch.

21. He must also have a magazine of all sorts, which must be had from foreign parts, or provided at home, and to commit them to several places, under the custody of trusty and faithful ministers and officers, if it be possible.

22. He must make choice of expert and able commanders to conduct and manage the war, either against a foreign invasion, or a home rebellion; which must not be young and giddy, which dare, not only to fight, but to swear, and drink, and curse, neither fit to govern others, nor able to govern themselves.

23. Let not such be discouraged, if they deserve well, by misinformation, or for the satisfying the humours or ambition of others, perhaps out of envy, perhaps out of treachery, or other sinister ends. A steady hand in governing of military affairs is more requisite than in times of peace, because an error committed in war may, perhaps, prove irremediable.

24. If God shall bless these endeavours, and the king return to his own house in peace, when a civil war shall be at an end, those who have been found faithful in the land must be regarded, yea, and rewarded also; the traitorous, or treacherous, who have misled others, severely punished; and the neutrals and false-hearted friends and followers, who have started aside like a broken bow, be noted *carbone nigro*. And so I shall leave them, and this part of the work.

VI. I COME to the sixth part, which is trade; and that is either at home or abroad. And I begin with that which is at home, which enableth the subjects of the kingdom to live, and layeth a foundation to a foreign trade by traffic with others, which enableth them to live plentifully and happily.

1. For the home trade, I first, commend unto your consideration the encouragement of tillage, which will enable the kingdom for corn for the natives, and to spare for exportation: and I myself have known, more than once, when, in times of dearth, in queen Elizabeth's days, it drained much coin of the kingdom, to furnish us with corn from foreign parts.

2. Good husbands will find the means, by good husbandry, to improve their lands, by lime, chalk, marl, or sea-sand, where it can be had: but it will not be amiss, that they be put in mind thereof, and encouraged in their industries.

3. Planting of orchards, in a soil and air fit for them, is very profitable, as well as pleasurable; cyder and perry are notable beverages in sea voyages.

4. Gardens are also very profitable, if planted with artichokes, roots, and such other things as are fit for food; whence they be called kitchen gardens, and that very properly.

5. The planting of hop-yards, sowing of woad and rape seed, are found very profitable for the planters, in places apt for them, and consequently profitable for the kingdom, which for divers years was furnished with them from beyond the seas.

6. The planting and preserving of woods, especially of timber, is not only profitable, but commendable, therewith to furnish posterity, both for building and shipping.

7. The kingdom would be much improved by draining of drowned lands, and gaining that in from the overflowing of salt waters and the sea, and from fresh waters also.

8. And many of those grounds would be exceeding fit for dairies, which, being well housewived, are exceeding commodious.

9. Much good land might be gained from forests and chases, more remote from the king's access, and from other commonable places, so as always there be a due care taken, that the poor commoners have no injury by such improvement.

10. The making of navigable rivers would be very

profitable; they would be as so many in-draughts of wealth, by conveying of commodities with ease from place to place.

11. The planting of hemp and flax would be an unknown advantage to the kingdom, many places therein being as apt for it, as any foreign parts.

12. But add thereunto, that if it be converted into linen-cloth or cordage, the commodity thereof will be multiplied.

13. So it is of the wools and leather of the kingdom, if they be converted into manufactures.

14. Our English dames are much given to the wearing of costly laces; and, if they be brought from Italy, or France, or Flanders, they are in great esteem; whereas, if the like laces were made by the English, so much thread as would make a yard of lace, being put into that manufacture, would be five times, or, perhaps, ten or twenty times the value.

15. The breeding of cattle is of much profit, especially the breed of horses, in many places, not only for travel, but for the great saddle; the English horse, for strength, and courage, and swiftness together, not being inferior to the horses of any other kingdom.

16. The minerals of the kingdom, of lead, iron, copper, and tin, especially, are of great value, and set many able-bodied subjects on work; it were great pity they should not be industriously followed.

17. But of all minerals, there is none like to that of fishing, upon the coasts of these kingdoms, and the seas belonging to them: our neighbours, within half a day's sail of us, with a good wind, can shew us the use and value thereof; and, doubtless, there is sea-room enough for both nations without offending one another; and it would exceedingly support the navy.

18. This realm is much enriched, of late years, by the trade of merchandise which the English drive in foreign parts; and, if it be wisely managed, it must of necessity very much increase the wealth thereof: care being taken, that the exportation exceed in value the importation: for then the balance of trade must of necessity be returned in coin or bullion.

19. This would easily be effected, if the merchants were persuaded or compelled to make their returns in solid commodities, and not too much thereof in vanity, tending to excess.

20. But especially care must be taken, that monopolies, which are the cankers of all trading, be not admitted under specious colours of public good.

21. To put all these into a regulation, if a constant commission to men of honesty and understanding were granted, and well pursued, to give order for the managing of these things, both at home and abroad, to the best advantage; and that this commission were subordinate to the council-board; it is conceived it would produce notable effects.

VII. THE next thing is that of colonies and foreign plantations, which are very necessary, as outlets, to a populous nation, and may be profitable also if they be managed in a discreet way.

1. First, in the choice of the place, which requireth many circumstances; as, the situation, near the sea, for the commodiousness of an intercourse with England; the temper of the air and climate, as may best agree with the bodies of the English, rather inclining to cold than heat; that it be stored with woods, mines, and fruits, which are naturally in the place; that the soil be such as will probably be fruitful for corn, and other conveniencies, and for breeding of cattle; that it hath rivers, both for passage between place and place, and for fishing also, if it may be; that the natives be not so many, but that there may be elbow-room enough for them, and for the adventives also: all which are likely to be found in the West-Indies.

2. It should be also such as is not already planted by the subjects of any Christian prince or state, nor over-nearly neighbouring to their plantation. And it would be more convenient, to be chosen by some of those gentlemen or merchants which move first in the work, than to be designed unto them from the king; for it must proceed from the option of the people, else it sounds like an exile; so the colonies must be raised by the leave of the king, and not by his command.

3. After the place is made choice of, the first step must be, to make choice of a fit governor; who although he have not the name, yet he must have the power of a viceroy; and if the person who principally moved in the work be not fit for that trust, yet he must not be excluded from command; but then his defect in the governing part must be supplied by such assistants as shall be joined with him, or as he shall very well approve of.

4. As at their setting out they must have their commission or letters patents from the king, that so they may acknowledge their dependency upon the crown of England, and under his protection; so they must receive some general instructions, how to dispose of themselves when they come there, which must be in nature of laws unto them.

5. But the general law, by which they must be guided and governed, must be the common law of England; and to that end, it will be fit that some man reasonably studied in the law, and otherwise qualified for such a purpose, be persuaded, if not thereunto inclined of himself, which were the best, to go thither as chancellor amongst them, at first; and when the plantation were more settled, then to have courts of justice there as in England.

6. At the first planting, or as soon after as they can, they must make themselves defensible both against the natives and against strangers; and to that purpose they must have the assistance of some able military man, and convenient arms and ammunition for their defence.

7. For the discipline of the Church in those parts, it will be necessary, that it agree with that which is settled in England, else it will make a schism and a rent in Christ's coat which must be seamless; and, to that purpose, it will be fit, that by the king's supreme power in causes ecclesiastical, within all his dominions; they be subordinate under some bishop and bishoprick of this realm.

8. For the better defence against a common enemy, I think it would be best, that foreign plantations

should be placed in one continent, and near together; whereas, if they be too remote, the one from the other, they will be disunited, and so the weaker.

9. They must provide themselves of houses, such as for the present they can, and, at more leisure, such as may be better; and they first must plant for corn and cattle, *etc.* for food and necessary sustenance; and after, they may enlarge themselves for those things which may be for profit and pleasure, and to traffick withal also.

10. Woods for shipping, in the first place, may doubtless be there had, and minerals there found, perhaps, of the richest; howsoever, the mines out of the fruits of the earth, and seas and waters adjoining, may be found in abundance.

11. In a short time they may build vessels and ships also, for traffick with the parts near adjoining, and with England also, from whence they may be furnished with such things as they may want, and, in exchange or barter, send from thence other things, with which quickly, either by nature or art, they may abound.

12. But these things would by all means be prevented; that no known bankrupt, for shelter; nor known murderer or other wicked person, to avoid the law; nor known heretic or schismatic, be suffered to go into those countries; or, if they do creep in there, not to be harboured or continued: else, the place would receive them naught, and return them into England, upon all occasions, worse.

13. That no merchant, under colour of driving a trade thither or from thence, be suffered to work upon their necessities.

14. And that to regulate all these inconveniences, which will insensibly grow upon them, that the king be pleased to erect a subordinate council in England, whose care and charge shall be, to advise, and put in execution, all things which shall be found fit for the good of those new plantations; who, upon all occasions, shall give an account of their proceedings to the king, or to the council-board, and from them receive

uch directions as may best agree with the govern-ient of that place.

15. That the king's reasonable profit be not neg-ected, partly upon reservation of moderate rents and ervices; and partly upon customs; and partly upon mportation and exportation of merchandise: which or a convenient time after the plantation begin, would e very easy, to encourage the work: but, after it is vell settled, may be raised to a considerable propor-ion, worthy the acceptation.

[Yet these cautions are to be observed in these un-lertakings.

1. That no man be compelled to such an employ-nent; for that were a banishment, and not a service fit for a free man.

2. That if any transplant themselves into planta-ions abroad, who are known schismatics, outlaws, or criminal persons, that they be sent for back upon the first notice; such persons are not fit to lay the founda-tion of a new colony.

3. To make no extirpation of the natives under pretence of planting religion: God surely will no way be pleased with such sacrifices.

4. That the people sent thither be governed accord-ing to the laws of this realm, whereof they are, and still must be subjects.

5. To establish there the same purity of religion, and the same discipline for Church government, with-out any mixture of popery or anabaptism, lest they should be drawn into factions and schisms, and that place receive them there bad, and send them back worse.

6. To employ them in profitable trades and manu-factures, such as the clime will best fit, and such as may be useful to this kingdom, and return to them an exchange of things necessary.

7. That they be furnished and instructed for the military part, as they may defend themselves; lest, on a sudden, they be exposed as a prey to some other nation, when they have fitted the colony for them.

8. To order a trade thither, and thence, in such a

manner as some few merchants and tradesmen, under colour of furnishing the colony with necessaries, may not grind them, so as shall always keep them in poverty.

9. To place over them such governors as may be qualified in such manner as may govern the place, and lay the foundation of a new kingdom.

10. That care be taken, that when the industry of one man hath settled the work, a new man, by insinuation or misinformation, may not supplant him without a just cause, which is the discouragement of all faithful endeavours.

11. That the king will appoint commissioners in the nature of a council, who may superintend the works of this nature, and regulate what concerns the colonies, and give an account thereof to the king, or to his council of state.

Again, For matter of trade, I confess it is out of my profession; yet in that I shall make a conjecture also, and propound some things to you, whereby, if I am not much mistaken, you may advance the good of your country and profit of your master.

1. Let the foundation of a profitable trade be thus laid, that the exportation of home commodities be more in value than the importation of foreign; so we shall be sure that the stocks of the kingdom shall yearly increase, for then the balance of trade must be returned in money or bullion.

2. In the importation of foreign commodities, let not the merchant return toys and vanities, as sometimes it was elsewhere apes and peacocks, but solid merchandise, first for necessity, next for pleasure, but not for luxury.

3. Let the vanity of the times be restrained, which the neighbourhood of other nations have induced; and we strive apace to exceed our pattern: let vanity in apparel, and, which is more vain, that of the fashion, be avoided. I have heard, that in Spain, a grave nation, whom in this I wish we might imitate, they do allow the players and courtesans the vanity of rich and costly clothes; but to sober men and matrons they permit it not upon pain of infamy; a severer punishment upon ingenuous natures than a pecuniary mulct.

4. The excess of diet in costly meats and drinks fetched from beyond the seas would be avoided; wise men will do it without a law, I would there might be a law to restrain fools. The excess of wine costs the kingdom much, and returns nothing but surfeits and diseases; were we as wise as easily we might be, within a year or two at the most, if we would needs be drunk with wines, we might be drunk with half the cost.

5. If we must be vain and superfluous in laces and embroideries, which are more costly than either warm or comely, let the curiosity be the manufacture of the natives; then it should not be verified of us, *materiam superabat opus*.

6. But instead of crying up all things, which are either brought from beyond sea, or wrought here by the hands of strangers, let us advance the native commodities of our own kingdom, and employ our countrymen before strangers; let us turn the wools of the land into clothes and stuffs of our own growth, and the hemp and flax growing here into linen cloth and cordage; it would set many thousand hands on work, and thereby one shilling worth of the materials would by industry be multiplied to five, ten, and many times to twenty times more in the value being wrought.

7. And of all sorts of thrift for the public good, I would above all others commend to your care the encouragement to be given to husbandry, and the improving of lands for tillage; there is no such usury as this. The king cannot enlarge the bounds of these islands, which make up his empire, the ocean being the unremoveable wall which incloseth them; but he may enlarge and multiply the revenue thereof by this honest and harmless way of good husbandry.

8. A very great help unto trade are navigable rivers; they are so many indraughts to attain wealth; wherefore by art and industry let them be made; but let them not be turned to private profit.

9. In the last place, I beseech you, take into your serious consideration that Indian wealth, which this island and the seas thereof excel in, the hidden and

rich treasure of fishing. Do we want an example to follow? I may truly say to the English, *Go to the pismire, thou sluggard.* I need not expound the text: half a day's sail with a good wind, will shew the mineral and the miners.

10. To regulate all these it will be worthy the care of a subordinate council, to whom the ordering of these things may be committed, and they give an account thereof to the state.]

VIII. I COME to the last of those things which I propounded, which is, the court and curiality.

The other did properly concern the king, in his royal capacity, as *pater patriæ;* this more properly as *pater-familias:* and herein,

1. I shall, in a word, and but in a word only, put you in mind, that the king in his own person, both in respect of his houshold or court, and in respect of his whole kingdom, for a little kingdom is but as a great houshold, and a great houshold as a little kingdom, must be exemplary, *Regis ad exemplum, etc.* But for this, God be praised, our charge is easy; for our gracious master, for his learning and piety, justice and bounty, may be, and is, not only a precedent to his own subjects, but to foreign princes also; yet he is still but a man, and seasonable *mementos* may be useful; and, being discreetly used, cannot but take well with him.

2. But your greatest care must be, that the great men of his court, for you must give me leave to be plain with you, for so is your injunction laid upon me, yourself in the first place, who are first in the eye of all men, give no just cause of scandal; either by light, or vain, or by oppressive carriage.

3. The great officers of the king's houshold had need be both discreet and provident persons, both for his honour and for his thrift; they must look both ways, else they are but half-sighted: yet in the choice of them there is more latitude left to affection, than in the choice of counsellors, and of the great officers of state, before touched, which must always be made

choice of merely out of judgment; for in them the public hath a great interest.

[And yet in these, the choice had need be of honest and faithful servants, as well as of comely outsides, who can bow the knee, and kiss the hand, and perform other services, of small importance compared with this of public employment. King David, Psal. ci. 6, 7. propounded a rule to himself for the choice of his courtiers. He was a wise and a good king: and a wise and a good king shall do well to follow such a good example; and if he find any to be faulty, which perhaps cannot suddenly be discovered, let him take on him this resolution as king David did, *There shall no deceitful person dwell in my house.* But for such as shall bear office in the king's house, and manage the expences thereof, it is much more requisite to make a good choice of such servants, both for his thrift and for his honour.]

4. For the other ministerial officers in court, as, for distinction sake, they may be termed, there must also be an eye unto them and upon them. They have usually risen in the household by degrees, and it is a noble way, to encourage faithful service: but the king must not bind himself to a necessity herein, for then it will be held *ex debito*: neither must he alter it, without an apparent cause for it: but to displace any who are in, upon displeasure, which for the most part happeneth upon the information of some great man, is by all means to be avoided, unless there be a manifest cause for it.

5. In these things you may sometimes interpose, to do just and good offices; but for the general, I should rather advise, meddle little, but leave the ordering of those household affairs to the white-staffs, which are those honourable persons, to whom it properly belongeth to be answerable to the king for it; and to those other officers of the green-cloth, who are subordinate to them, as a kind of council, and a court of justice also.

6. Yet for the green-cloth law, take it in the largest sense, I have no opinion of it, farther than it

is regulated by the just rules of the common laws of England.

7. Towards the support of his majesty's own table, and of the prince's, and of his necessary officers, his majesty hath a good help by purveyance, which justly is due unto him; and, if justly used, is no great burden to the subject; but by the purveyors and other under-officers is many times abused. In many parts of the kingdom, I think, it is already reduced to a certainty in money; and if it be indifferently and discreetly managed, it would be no hard matter to settle it so throughout the whole kingdom; yet to be renewed from time to time: for that will be the best and safest, both for the king and people.

8. The king must be put in mind to preserve the revenues of his crown, both certain and casual, without diminution, and to lay up treasure in store against a time of extremity; empty coffers give an ill sound, and make the people many times forget their duty, thinking that the king must be beholden to them for his supplies.

9. I shall by no means think it fit, that he reward any of his servants with the benefit of forfeitures, either by fines in the court of Star-chamber, or high commission courts, or other courts of justice, or that they should be farmed out, or bestowed upon any, so much as by promise, before judgment given; it would neither be profitable nor honourable.

10. Besides matters of serious consideration, in the courts of princes, there must be times for pastimes and disports: when there is a queen and ladies of honour attending her, there must sometimes be masques, and revels, and interludes; and when there is no queen, or princess, as now; yet at festivals, and for entertainment of strangers, or upon such occasions, they may be fit also: yet care would be taken, that in such cases they be set off more with wit and activity than with costly and wasteful expences.

11. But for the king and prince, and the lords and chivalry of the court, I rather commend, in their turns and seasons, the riding of the great horse, the tilts, the

barriers, tennis, and hunting, which are more fit for the health and strength of those who exercise them, than in an effeminate way to please themselves and others.

And now the prince grows up fast to be a man, and is of a sweet and excellent disposition, it would be an irreparable stain and dishonour upon you, having that access unto him, if you should mislead him, or suffer him to be misled by any loose or flattering parasites: the whole kingdom hath a deep interest in his virtuous education; and if you, keeping that distance which is fit, do humbly interpose yourself in such a case, he will one day give you thanks for it.

19. Yet dice and cards may sometimes be used for recreation, when field sports cannot be had; but not to use it as a means to spend the time, much less to mis-spend the thrift of the gamesters.

Sir, I shall trouble you no longer. I have run over these things as I first propounded them; please you to make use of them, or any of them, as you shall see occasion, or to lay them by, as you shall think best, and to add to them, as you daily may, out of your experience.

I must be bold again to put you in mind of your present condition: you are in the quality of a sentinel; if you sleep, or neglect your charge, you are an undone man, and you may fall much faster than you have risen.

I have but one thing more to mind you of, which nearly concerns yourself. You serve a great and gracious master, and there is a most hopeful young prince, whom you must not disregard; it behoves you to carry yourself wisely and equally betwixt them both: rejoice not so the rising sun that you forget the father, who raised you to this height; nor be you so obsequious to the father, that you give just cause to the son to suspect that you neglect him; but carry yourself with that judgment, as, if it be possible, may please and content them both; which, truly, I believe, will be no hard matter for you to do: so may you live long beloved of both.

[illegible] [illegible]

[If you find in these or any other your observations, which doubtless are much better than these loose collections, any thing which you would have either the father or the son to take to heart, an admonition from a dead author, or a caveat from an impartial pen, whose aim neither was nor can be taken to be at any particular by design, will prevail more and take better impression than a downright advice; which perhaps may be mistaken as if it were spoken magisterially.

Thus may you live long an happy instrument for your king and country; you shall not be a meteor or a blazing star, but *stella fixa:* happy here and more happy hereafter. *Deus manu sua te ducat:*] which is the hearty prayer of

Your most obliged and devoted Servant.

AN

ADVERTISEMENT

TOUCHING AN

HOLY WAR.

TO THE RIGHT REVEREND FATHER IN GOD,

LANCELOT ANDREWS,

LORD BISHOP OF WINCHESTER,

AND COUNSELLOR OF ESTATE TO HIS MAJESTY.

MY LORD,

AMONGST consolations, it is not the least to represent to a man's self like examples of calamity in others. For examples give a quicker impression than arguments; and besides, they certify us, that which the Scripture also tendereth for satisfaction; *that no new thing is happened unto us.* This they do the better, by how much the examples are liker in circumstances to our own case; and more especially if they fall upon persons that are greater and worthier than ourselves. For as it savoureth of vanity, to match ourselves highly in our own conceit; so on the other side it is a good sound conclusion, that if our betters have sustained the like events, we have the less cause to be grieved.

In this kind of consolation I have not been wanting to myself, though as a Christian, I have tasted, through God's great goodness, of higher remedies. Having therefore, through the variety of my reading, set before me many examples both of ancient and later times, my thoughts, I confess, have chiefly stayed upon three particulars, as the most eminent and the most resembling. All three persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals; all three famous writers, insomuch as the remembrance of their calamity is now as to posterity but as a little picture of

night-work, remaining amongst the fair and excellent tables of their acts and works: and all three, if that were any thing to the matter, fit examples to quench any man's ambition of rising again; for that they were every one of them restored with great glory, but to their farther ruin and destruction, ending in a violent death. The men were, Demosthenes, Cicero, and Seneca; persons that I durst not claim affinity with, except the similitude of our fortunes had contracted it. When I had cast mine eyes upon these examples, I was carried on farther to observe, how they did bear their fortunes, and principally, how they did employ their times, being banished, and disabled for public business: to the end that I might learn by them; and that they might be as well my counsellors as my comforters. Whereupon I happened to note, how diversly their fortunes wrought upon them; especially in that point at which I did most aim, which was the employing of their times and pens. In Cicero, I saw that during his banishment, which was almost two years, he was so softened and dejected, as he wrote nothing but a few womanish epistles. And yet, in mine opinion, he had least reason of the three to be discouraged: for that although it was judged, and judged by the highest kind of judgment, in form of a statute or law, that he should be banished, and his whole estate confiscated and seized, and his houses pulled down, and that it should be highly penal for any man to propound a repeal; yet his case even then had no great blot of ignominy; for it was thought but a tempest of popularity which overthrew him. Demosthenes contrariwise, though his case was foul, being condemned for bribery, and not simple bribery, but bribery in the nature of treason and disloyalty, yet nevertheless took so little knowledge of his fortune, as during his banishment he did much busy himself, and intermeddle with matters of state; and took upon him to counsel the state, as if he had been still at the helm, by letters; as appears by some epistles of his which are extant. Seneca indeed, who was condemned for many corruptions and crimes, and ba-

nished into a solitary island, kept a mean; and though his pen did not freeze, yet he abstained from intruding into matters of business; but spent his time in writing books of excellent argument and use for all ages; though he might have made better choice, sometimes, of his dedications.

These examples confirmed me much in a resolution, whereunto I was otherwise inclined, to spend my time wholly in writing; and to put forth that poor talent, or half talent, or what it is, that God hath given me, not as heretofore to particular exchanges, but to banks, or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my *Instauration;* which is the work, that in mine own judgment, *si nunquam fallit imago,* I do most esteem; I think to proceed in some new parts thereof. And although I have received from many parts beyond the seas, testimonies touching that work, such as beyond which I could not expect at the first in so abstruse an argument; yet nevertheless I have just cause to doubt, that it flies too high over mens heads: I have a purpose therefore, though I break the order of time, to draw it down to the sense, by some patterns of a *Natural story and Inquisition.* And again, for that my book of *Advancement of learning* may be some preparative, or key, for the better opening of the *Instauration;* because it exhibits a mixture of new conceits and old; whereas the *Instauration* gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake; I have thought good to procure a translation of that book into the general language, not without great and ample additions, and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the *Instauration,* and acquit my promise in that part. Again, because I cannot altogether desert the civil person that I have born; which if I should forget, enough would remember; I have also entered into a work touching *Laws,* propounding a character of justice in a middle term, between the speculative and

reverend discourses of philosophers, and the writings of lawyers, which are tied and obnoxious to their particular laws. And although it be true, that I had a purpose to make a particular digest, or recompilement of the laws of mine own nation; yet because it is a work of assistance, and that which I cannot master by mine own forces and pen, I have laid it aside. Now having in the work of my *Instauration* had in contemplation the general good of men in their very being, and the dowries of nature; and in my work of laws, the general good of men likewise in society, and the dowries of government; I thought in duty I owed somewhat unto my own country, which I ever loved; insomuch as although my place hath been far above my desert, yet my thoughts and cares concerning the good thereof were beyond, and over, and above my place: so now being, as I am, no more able to do my country service, it remained unto me to do it honour: which I have endeavoured to do in my work of *The reign of king Henry the seventh.* As for my *Essays*, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that sort purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement, perhaps, yield more lustre and reputation to my name than those other which I have in hand. But I account the use that a man should seek of the publishing of his own writings before his death, to be but an untimely anticipation of that which is proper to follow a man, and not to go along with him.

But revolving with myself my writings, as well those which I have published, as those which I had in hand, methought they went all into the city, and none into the temple; where, because I have found so great consolation, I desire likewise to make some poor oblation. Therefore I have chosen an argument, mixt of religious and civil considerations; and likewise mixt between contemplative and active. For who can tell whether there may not be an *exoriere aliquis?* Great matters, especially if they be reli-

gious, have, many times, small beginnings: and the platform may draw on the building. This work, because I was ever an enemy to flattering dedications, I have dedicated to your lordship, in respect of our ancient and private acquaintance; and because amongst the men of our times I hold you in special reverence.

Your lordship's loving friend,

FR. ST. ALBAN.

AN

ADVERTISEMENT

TOUCHING AN

HOLY WAR.

WRITTEN IN THE YEAR MDCXXII.

THE PERSONS THAT SPEAK:

EUSEBIUS, GAMALIEL, ZEBEDÆUS, MARTIUS, EUPOLIS, POLLIO.

THERE met at Paris, in the house of Eupolis, *Eusebius, Zebedæus, Gamaliel, Martius, all persons of eminent quality, but of several dispositions. Eupolis himself was also present; and while they were set in conference, Pollio came in to them from court; and as soon as he saw them, after his witty and pleasant manner, he said,

Pollio. Here be four of you, I think, were able to make a good world; for you are as differing as the four elements, and yet you are friends. As for Eupolis, because he is temperate, and without passion, he may be the fifth essence.

Eupolis. If we five, Pollio, make the great world, you alone make the little; because you profess, and practise both, to refer all things to yourself. *Pollio.* And what do they that practise it, and profess it not? *Eupolis.* They are the less hardy, and the more dangerous. But come and sit down with us, for we were speaking of the affairs of Christendom at this day; wherein we would be glad also to have your opinion. *Pollio.* My lords, I have journeyed this morning, and it is now the heat of the day; therefore your lordships

* Characters of the persons. Eusebius beareth the character of a moderate divine: Gamaliel of a protestant zealot: Zebedæus of a Roman catholic zealot: Martius of a military man: Eupolis of a politic: Pollio of a courtier.

discourses had need content my ears very well, to make them intreat mine eyes to keep open. But yet if you will give me leave to awake you, when I think your discourses do but sleep, I will keep watch the best I can. *Eupolis.* You cannot do us a greater favour. Only I fear you will think all our discourses to be but the better sort of dreams; for good wishes, without power to effect, are not much more. But, Sir, when you came in, Martius had both raised our attentions, and affected us with some speech he had begun; and it falleth out well, to shake off your drowsiness; for it seemed to be the trumpet of a war. And therefore, Martius, if it please you, to begin again; for the speech was such, as deserveth to be heard twice; and I assure you, your auditory is not a little amended by the presence of Pollio. *Martius.* When you came in, Pollio, I was saying freely to these lords, that I had observed, how by the space now of half a century of years, there had been, if I may speak it, a kind of meanness in the designs and enterprises of Christendom. Wars with subjects, like an angry suit for a man's own, that might be better ended by accord. Some petty acquests of a town, or a spot of territory; like a farmer's purchase of a close or nook of ground, that lay fit for him. And although the wars had been for a Naples, or a Milan, or a Portugal, or a Bohemia, yet these wars were but as the wars of heathens, of Athens, or Sparta, or Rome, for secular interest, or ambition, not worthy the warfare of Christians. The Church, indeed, maketh her missions into the extreme parts of the nations and isles, and it is well: but this is *Ecce unus gladius hic.* The Christian princes and potentates are they that are wanting to the propagation of the faith by their arms. Yet our Lord, that said on earth, to the disciples, *Ite et prædicate*, said from heaven to Constantine, *In hoc signo vince.* What Christian soldier is there that will not be touched with a religious emulation to see an order of Jesus, or of St. Francis, or of St. Augustine, do such service, for enlarging the Christian borders; and an order of St. Jago, or St. Michael, or St. George, only to robe, and

feast, and perform rites and observances? Surely the merchants themselves shall rise in judgment against the princes and nobles of Europe; for they have made a great path in the seas, unto the ends of the world; and set forth ships, and forces, of Spanish, English, and Dutch, enough to make China tremble; and all this, for pearl, or stone, or spices: but for the pearl of the kingdom of heaven, or the stones of the heavenly Jerusalem, or the spices of the spouse's garden, not a mast hath been set up: nay, they can make shift to shed Christian blood so far off amongst themselves, and not a drop for the cause of Christ. But let me recall myself; I must acknowledge, that within the space of fifty years, whereof I spake, there have been three noble and memorable actions upon the infidels, wherein the Christian hath been the invader: for where it is upon the defensive, I reckon it a war of nature, and not of piety. The first was, that famous and fortunate war by sea, that ended in the victory of Lepanto; which hath put a hook into the nostrils of the Ottomans to this day; which was the work chiefly of that excellent pope Pius Quintus, whom I wonder his successors have not declared a saint. The second was, the noble, though unfortunate, expedition of Sebastian king of Portugal upon Africa, which was atchieved by him alone; so alone, as left somewhat for others to excuse. The last was, the brave incursions of Sigismund the Transylvanian prince, the thread of whose prosperity was cut off by the Christians themselves, contrary to the worthy and paternal monitories of pope Clement the eighth. More than these, I do not remember. *Pollio.* No! What say you to the extirpation of the Moors of Valentia? At which sudden question, Martius was a little at a stop; and Gamaliel prevented him, and said: *Gamaliel.* I think Martius did well in omitting that action, for I, for my part, never approved it; and it seems, God was not well pleased with that deed; for you see the king, in whose time it passed, whom you catholics count a saint-like and immaculate prince, was taken away in the flower of his age: and the author, and

great councellor of that rigour, whose fortunes seemed to be built upon the rack, is ruined: and it is thought by some, that the reckonings of that business are not yet cleared with Spain; for that numbers of those supposed Moors, being tried now by their exile, continue constant in the faith, and true Christians in all points, save in the thirst of revenge. *Zelad.* Make not hasty judgment, Cumalick, of that great action, which was as Christ's fan in those countries, except you could shew some such covenant from the crown of Spain, as Joshua made with the Gibeonites; that that cursed seed should continue in the land. And you see it was done by edict, not tumultuously; the sword was not put into the people's hand. *Eupol.* I think Martius did omit it, not as making any judgment of it either way, but because it sorted not aptly with action of war, being upon subjects, and without resistance. But let us, if you think good, give Martius leave to proceed in his discourse; for methought he spake like a divine in armour. *Martius.* It is true, Eupolis, that the principal object which I have before mine eyes, in that whereof I speak, is piety and religion. But, nevertheless, if I should speak only as a natural man, I should persuade the same thing. For there is no such enterprise, at this day, for secular greatness, and terrene honour, as a war upon infidels. Neither do I in this propound a novelty, or imagination, but that which is proved by late examples of the same kind, though perhaps of less difficulty. The Castilians, the age before that wherein we live, opened the new world; and subdued and planted Mexico, Peru, Chili, and other parts of the West Indies. We see what floods of treasure have flowed into Europe by that action; so that the sense or rates of Christendom are raised since ten times, yea twenty times told. Of this treasure, it is true, the gold was accumulate, and store treasure, for the most part: but the silver is still growing. Besides, infinite is the access of territory and empire, by the same enterprise. For there was never an hand drawn, that did double the rest of the habitable world, before this; for so a man may truly

term it, if he shall put to account, as well that that is, as that which may be hereafter, by the farther occupation and colonizing of those countries. And yet it cannot be affirmed, if one speak ingenuously, that it was the propagation of the Christian faith that was the adamant of that discovery, entry, and plantation; but gold and silver, and temporal profit and glory: so that what was first in God's providence, was but second in man's appetite and intention. The like may be said of the famous navigations and conquests of Emanuel, king of Portugal, whose arms began to circle Afric and Asia; and to acquire, not only the trade of spices, and stones, and musk, and drugs, but footing, and places, in those extreme parts of the east. For neither in this was religion the principal, but amplification and enlargement of riches and dominion. And the effect of these two enterprises is now such, that both the East and the West Indies being met in the crown of Spain, it is come to pass, that, as one saith in a brave kind of expression, the sun never sets in the Spanish dominions, but ever shines upon one part or other of them: which, to say truly, is a beam of glory, though I cannot say it is so solid a body of glory, wherein the crown of Spain surpasseth all the former monarchies. So as, to conclude, we may see, that in these actions, upon gentiles or infidels, only or chiefly, both the spiritual and temporal honour and good have been in one pursuit and purchase conjoined. *Pollio.* Methinks, with your favour, you should remember, Martius, that wild and savage people are like beasts and birds, which are *ferœ naturæ*, the property of which passeth with the possession, and goeth to the occupant; but of civil people, it is not so. *Martius.* I know no such difference amongst reasonable souls; but that whatsoever is in order to the greatest and most general good of people, may justify the action, be the people more or less civil. But, Eupolis, I shall not easily grant, that the people of Peru or Mexico were such brute savages as you intend; or that there should be any such difference between them, and many of the infidels which are now in other parts. In Peru, though they were

unapparelled people, according to the clime, and had some customs very barbarous, yet the government of the Incas had many parts of humanity and civility. They had reduced the nations from the adoration of a multitude of idols and fancies, to the adoration of the sun. And, as I remember, the book of Wisdom noteth degrees of idolatry; making that of worshipping petty and vile idols more gross than simply the worshipping of the creature. And some of the prophets, as I take it, do the like, in the metaphor of more ugly and bestial fornication. The Peruvians also, under the Incas, had magnificent temples of their superstition; they had strict and regular justice; they bare great faith and obedience to their kings; they proceeded in a kind of martial justice with their enemies, offering them their law, as better for their own good, before they drew their sword. And much like was the state of Mexico, being an elective monarchy. As for those people of the east, Goa, Calacute, Malacca, they were a fine and dainty people; frugal and yet elegant, though not military. So that, if things be rightly weighed, the empire of the Turks may be truly affirmed to be more barbarous than any of these. A cruel tyranny, bathed in the blood of their emperors upon every succession; a heap of vassals and slaves; no nobles; no gentlemen; no freemen; no inheritance of land; no stirp or ancient families; a people that is without natural affection; and, as the Scripture saith, that *regardeth not the desires of women:* and without piety, or care towards their children: a nation without morality, without letters, arts, or sciences; that can scarce measure an acre of land, or an hour of the day: base and sluttish in buildings, diets and the like; and in a word, a very reproach of human society: and yet this nation hath made the garden of the world a wilderness; for that, as it is truly said concerning the Turks, where Ottoman's horse sets his foot, people will come up very thin.

Pollio. Yet in the midst of your invective, Martius, do the Turks this right, as to remember that they are no idolaters: for if, as you say, there be a difference

between worshipping a base idol, and the sun, there is a much greater difference between worshipping a creature, and the Creator. For the Turks do acknowledge God the Father, creator of heaven and earth, being the first person in the Trinity, though they deny the rest. At which speech, when Martius made some pause, Zebedæus replied with a countenance of great reprehension and severity. *Zebed.* We must take heed, Pollio, that we fall not at unawares into the heresy of Manuel Comnenus emperor of Græcia, who affirmed, that Mahomet's God was the true God: which opinion was not only rejected and condemned by the synod, but imputed to the emperor as extreme madness; being reproached to him also by the bishop of Thessalonica, in those bitter and strange words, as are not to be named. *Martius.* I confess that it is my opinion, that a war upon the Turk is more worthy than upon any other gentiles, infidels, or savages, that either have been, or now are, both in point of religion, and in point of honour; though facility, and hope of success, might, perhaps, invite some other choice. But before I proceed, both myself would be glad to take some breath; and I shall frankly desire, that some of your lordships would take your turn to speak, that can do it better. But chiefly, for that I see here some that are excellent interpreters of the divine law, though in several ways; and that I have reason to distrust mine own judgment, both as weak in itself, and as that which may be overborn by my zeal and affection to this cause. I think it were an error to speak farther, till I may see some sound foundation laid of the lawfulness of the action, by them that are better versed in that argument. *Eupolis.* I am glad, Martius, to see in a person of your profession so great moderation, in that you are not transported in an action that warms the blood, and is appearing holy, to blanch or take for admitted the point of lawfulness. And because, methinks, this conference prospers, if your lordships will give me leave, I will make some motion touching the distribution of it into parts. Unto which when they all assented, Eupolis said: *Eupolis.* I think it

would not sort amiss, if Zebedæus would be pleased to handle the question, Whether a war for the propagation of the Christian faith, without other cause of hostility, be lawful or no, and in what cases? I confess also I would be glad to go a little farther, and to hear it spoken to concerning the lawfulness, not only permissively, but whether it be not obligatory to Christian princes and states to design it; which part, if it please Gamaliel to undertake, the point of the lawfulness taken simply will be complete. Yet there resteth the comparative: that is, it being granted, that it is either lawful or binding, yet whether other things be not to be preferred before it; as extirpation of heresies, reconcilements of schisms, pursuit of lawful temporal rights and quarrels, and the like; and how far this enterprise ought either to wait upon these other matters, or to be mingled with them, or to pass by them, and give law to them, as inferior unto itself? And because this is a great part, and Eusebius hath yet said nothing, we will by way of mulct or pain, if your lordships think good, lay it upon him. All this while, I doubt much that Pollio, who hath a sharp wit of discovery towards what is solid and real, and what is specious and airy, will esteem all this but impossibilities, and eagles in the clouds: and therefore we shall all intreat him to crush this argument with his best forces: that by the light we shall take from him, we may either cast it away if it be found but a bladder, or discharge it of so much as is vain and not sperable. And because I confess I myself am not of that opinion, although it be an hard encounter to deal with Pollio, yet I shall do my best to prove the enterprise possible; and to shew how all impediments may be either removed or overcome. And then it will be fit for Martius, if we do not desert it before, to resume his farther discourse, as well for the persuasive, as for the consult, touching the means, preparations, and all that may conduce unto the enterprise. But this is but my wish, your lordships will put it into better order. They all not only allowed the distribution, but accepted the parts: but because

the day was spent, they agreed to defer it till the next morning. Only Pollio said;

Pollio. You take me right, Eupolis, for I am of opinion, that except you could bray Christendom in a mortar, and mould it into a new paste, there is no possibility of an holy war. And I was ever of opinion, that the philosophers stone, and an holy war, were but the rendezvous of cracked brains, that wore their feather in their head instead of their hat. Nevertheless, believe me of courtesy, that if you five shall be of another mind, especially after you have heard what I can say, I shall be ready to certify with Hippocrates, that Athens is mad, and Democritus is only sober. And, lest you shall take me for altogether adverse, I will frankly contribute to the business now at first. Ye, no doubt, will amongst you devise and discourse many solemn matters: but do as I shall tell you. This pope is decrepit, and the bell goeth for him. Take order, that when he is dead, there be chosen a pope of fresh years, between fifty and three-score; and see that he take the name of Urban, because a pope of that name did first institute the croisado, and, as with an holy trumpet, did stir up the voyage for the Holy Land. *Eupolis.* You say well; but be, I pray you, a little more serious in this conference.

The next day the same persons met as they had appointed; and after they were set, and that there had passed some sporting speeches from Pollio, how the war was already begun; for that, he said, he had dreamt of nothing but Janizaries, and Tartars, and Sultans all the night long: Martius said. *Martius.* The distribution of this conference, which was made by Eupolis yesternight, and was by us approved, seemeth to me perfect, save in one point; and that is, not in the number, but in the placing of the parts. For it is so disposed, that Pollio and Eupolis shall debate the possibility or impossibility of the action, before I shall deduce the particulars of the means and manner by which it is to be atchieved. Now I have often observed in deliberations, that the entring near hand into the manner of performance, and execution

of that which is under deliberation, hath quite overturned the opinion formerly conceived, of the possibility or impossibility. So that things, that at the first shew seemed possible, by ripping up the performance of them, have been convicted of impossibility; and things that on the other side have shewed impossible, by the declaration of the means to effect them, as by a back light, have appeared possible, the way through them being discerned. This I speak not to alter the order, but only to desire Pollio and Eupolis not to speak peremptorily, or conclusively, touching the point of possibility, till they have heard me deduce the means of the execution: and that done, to reserve themselves at liberty for a reply, after they had before them, as it were, a model of the enterprise. This grave and solid advertisement and caution of Martius was much commended by them all. Whereupon Eupolis said: *Eupolis.* Since Martius hath begun to refine that which was yesternight resolved; I may the better have leave, especially in the mending of a proposition, which was mine own, to remember an omission which is more than a misplacing. For I doubt we ought to have added or inserted into the point of lawfulness, the question, how far an holy war is to be pursued, whether to displanting and extermination of people? And again, whether to enforce a new belief, and to vindicate or punish infidelity; or only to subject the countries and people; and so by the temporal sword to open a door for the spiritual sword to enter, by persuasion, instruction, and such means as are proper for souls and consciences? But it may be, neither is this necessary to be made a part by itself; for that Zebedæus, in his wisdom, will fall into it as an incident to the point of lawfulness, which cannot be handled without limitations and distinctions. *Zebedæus.* You encourage me, Eupolis, in that I perceive, how in your judgment, which I do so much esteem, I ought to take that course, which of myself I was purposed to do. For as Martius noted well, that it is but a loose thing to speak of possibilities, without the particular designs; so is it to speak of lawfulness without the particular cases. I will

therefore first of all distinguish the cases; though you shall give me leave, in the handling of them, not to sever them with too much preciseness; for both it would cause needless length; and we are not now in arts or methods, but in a conference. It is therefore first to be put to question in general, as Eupolis propounded it, whether it be lawful for Christian princes or states to make an invasive war, only and simply for the propagation of the faith, without other cause of hostility, or circumstance that may provoke and induce the war?

Secondly, whether, it being made part of the case, that the countries were once Christian, and members of the Church, and where the golden candlesticks did stand, though now they be utterly alienated, and no Christians left; it be not lawful to make a war to restore them to the Church, as an ancient patrimony of Christ? Thirdly, if it be made a farther part of the case, that there are yet remaining in the countries multitudes of Christians, whether it be not lawful to make a war to free them, and deliver them from the servitude of the infidels? Fourthly, whether it be not lawful to make a war for the purging and recovery of consecrated places, being now polluted and prophaned; as the holy city and sepulchre, and such other places of principal adoration and devotion? Fifthly, whether it be not lawful to make a war for the revenge or vindication of blasphemies and reproaches against the Deity and our blessed Saviour; or for the effusion of Christian blood, and cruelties against Christians, though ancient and long since past; considering that God's visits are without limitation of time; and many times do but expect the fulness of the sin? Sixthly, it is to be considered, as Eupolis now last well remembered, whether a holy war, which, as in the worthiness of the quarrel, so in the justness of the prosecution, ought to exceed all temporal wars, may be pursued, either to the expulsion of people, or the enforcement of consciences, or the like extremities; or how to be moderated and limited; lest whilst we remember we are Christians, we forget that others are men? But there is a point that precedeth all these points recited; nay, and in a manner

dischargeth them, in the particular of a war against the Turk: which point, I think, would not have come into my thought, but that Martius giving us yesterday a representation of the empire of the Turks, with no small vigour of words, which you, Pollio, called an invective, but was indeed a true charge, did put me in mind of it: and the more I think upon it, the more I settle in opinion, that a war to suppress that empire, though we set aside the cause of religion, were a just war. After Zebedæus had said this, he made a pause, to see whether any of the rest would say any thing: but when he perceived nothing but silence, and signs of attention to that he would farther say, he proceeded thus:

Zebedæus. Your lordships will not look for a treatise from me, but a speech of consultation; and in that brevity and manner will I speak. First, I shall agree, that as the cause of a war ought to be just, so the justice of that cause ought to be evident; not obscure, not scrupulous. For by the consent of all laws, in capital causes, the evidence must be full and clear: and if so where one man's life is in question, what say we to a war, which is ever the sentence of death upon many? We must beware therefore how we make a Moloch, or an heathen idol, of our blessed Saviour, in sacrificing the blood of men to him by an unjust war. The justice of every action consisteth in the merits of the cause, the warrant of the jurisdiction, and the form of the prosecution. As for the inward intention, I leave it to the court of heaven. Of these things severally, as they may have relation to the present subject of a war against infidels; and namely, against the most potent and most dangerous enemy of the faith, the Turk. I hold, and I doubt not but I shall make it plain, as far as a sum or brief can make a cause plain, that a war against the Turk is lawful, both by the laws of nature and nations, and by the law divine, which is the perfection of the other two. As for the laws positive and civil of the Romans, or others whatsoever, they are too small engines to move the weight of this question. And therefore, in my judgment, many of the late schoolmen, though excel-

lent men, take not the right way in disputing this question; except they had the gift of Navius, that they could, *cotem novacula scindere*, hew stones with penknives. First, for the law of nature. The philosopher Aristotle is no ill interpreter thereof. He hath set many men on work with a witty speech of *natura dominus*, and *natura servus*; affirming expressly and positively, that from the very nativity some things are born to rule, and some things to obey: which oracle hath been taken in divers senses. Some have taken it for a speech of ostentation, to intitle the Grecians to an empire over the barbarians; which indeed was better maintained by his scholar Alexander. Some have taken it for a speculative platform, that reason and nature would that the best should govern; but not in any wise to create a right. But for my part, I take it neither for a brag, nor for a wish; but for a truth as he limiteth it. For he saith, that if there can be found such an inequality between man and man, as there is between man and beast, or between soul and body, it investeth a right of government: which seemeth rather an impossible case than an untrue sentence. But I hold both the judgment true, and the case possible; and such as hath had, and hath a being, both in particular men and nations. But ere we go farther, let us confine ambiguities and mistakings, that they trouble us not. First, to say that the more capable, or the better deserver, hath such right to govern, as he may compulsorily bring under the less worthy, is idle. Men will never agree upon it, who is the more worthy. For it is not only in order of nature, for him to govern that is the more intelligent, as Aristotle would have it; but there is no less required for government, courage to protect; and above all, honesty and probity of the will to abstain from injury. So fitness to govern is a perplexed business. Some men, some nations, excel in the one ability, some in the other. Therefore the position which I intend, is not in the comparative, that the wiser, or the stouter, or the juster nation should govern; but in the privative, that where there is an heap of people, though we term it a kingdom or state, that is altogether unable or indign

to govern; there it is a just cause of war for another nation, that is civil or policed, to subdue them: and this, though it were to be done by a Cyrus or a Cæsar, that were no Christian. The second mistaking to be banished is, that I understand not this of a personal tyranny, as was the state of Rome under a Caligula, or a Nero, or a Commodus: shall the nation suffer for that wherein they suffer? But when the constitution of the state, and the fundamental customs and laws of the same, if laws they may be called, are against the laws of nature and nations, then, I say, a war upon them is lawful. I shall divide the question into three parts. First, whether there be, or may be any nation or society of men, against whom it is lawful to make a war, without a precedent injury or provocation? Secondly, what are those breaches of the law of nature and nations, which do forfeit and divest all right and title in a nation to govern? And thirdly, whether those breaches of the law of nature and nations be found in any nation at this day; and namely, in the empire of the Ottomans? For the first, I hold it clear that such nations, or states, or societies of people, there may be and are. There cannot be a better ground laid to declare this, than to look into the original donation of government. Observe it well, especially the inducement, or preface. Saith God: *Let us make man after our own image, and let him have dominion over the fishes of the sea, and the fowls of the air, and the beasts of the land, etc.* Hereupon De Victoria, and with him some others, infer excellently, and extract a most true and divine aphorism, *Non fundatur dominium, nisi in imagine Dei.* Here we have the charter of foundation: it is now the more easy to judge of the forfeiture or reseizure. Deface the image, and you divest the right. But what is this image, and how is it defaced? The poor men of Lyons, and some fanatical spirits, will tell you, that the image of God is purity; and the defacement, sin. But this subverteth all government: neither did Adam's sin, or the curse upon it, deprive him of his rule, but left the creatures to a rebellion or reluctation. And therefore if you note it attentively,

when this charter was renewed unto Noah and his sons, it is not by the words, *You shall have dominion;* but *Your fear shall be upon all the beasts of the land, and the birds of the air, and all that moveth:* not regranting the sovereignty, which stood firm; but protecting it against the reluctation. The sound interpreters therefore expound this image of God, of natural reason; which if it be totally or mostly defaced, the right of government doth cease: and if you mark all the interpreters well, still they doubt of the case, and not of the law. But this is properly to be spoken to in handling the second point, when we shall define of the defacements. To go on: The prophet Hosea, in the person of God, saith of the Jews; *They have reigned, but not by me; they have set a seigniory over themselves, but I knew nothing of it.* Which place proveth plainly, that there are governments which God doth not avow. For though they be ordained by his secret providence, yet they are not acknowledged by his revealed will. Neither can this be meant of evil governors or tyrants: for they are often avowed and established, as lawful potentates; but of some perverseness and defection in the very nation itself; which appeareth most manifestly in that the prophet speaketh of the seigniory *in abstracto*, and not of the person of the Lord. And although some heretics of those we speak of have abused this text, yet the sun is not soiled in passage. And again, if any man infer upon the words of the prophet following, which declare this rejection, and, to use the words of the text, rescission of their estate to have been for their idolatry, that by this reason the governments of all idolatrous nations should be also dissolved, which is manifestly untrue, in my judgment it followeth not. For the idolatry of the Jews then, and the idolatry of the Heathen then and now, are sins of a far differing nature, in regard of the special covenant, and the clear manifestations wherein God did contract and exhibit himself to that nation. This nullity of policy, and right of estate in some nations, is yet more significantly expressed by Moses in his canticle; in the person of God to the

Jews: *Ye have incensed me with gods that are no gods, and I will incense you with a people that are no people:* Such as were, no doubt, the people of Canaan, after seisin was given of the land of promise to the Israelites. For from that time their right to the land was dissolved, though they remained in many places unconquered. By this we may see, that there are nations in name, that are no nations in right, but multitudes only, and swarms of people. For like as there are particular persons outlawed and proscribed by civil laws of several countries; so are there nations that are outlawed and proscribed by the law of nature and nations, or by the immediate commandment of God. And as there are kings *de facto*, and not *de jure*, in respect of the nullity of their title; so are there nations that are occupants *de facto*, and not *de jure*, of their territories, in respect of the nullity of their policy or government. But let us take in some examples into the midst of our proofs; for they will prove as much as put after, and illustrate more. It was never doubted, but a war upon pirates may be lawfully made by any nation, though not infested or violated by them. Is it because they have not *certas sedes* or *lares?* In the piratical war which was atchieved by Pompey the Great, and was his truest and greatest glory, the pirates had some cities, sundry ports, and a great part of the province of Cilicia; and the pirates now being, have a receptacle and mansion in Algiers. Beasts are not the less savage because they have dens. Is it because the danger hovers as a cloud, that a man cannot tell where it will fall; and so it is every man's case? The reason is good, but it is not all, nor that which is most alledged. For the true received reason is, that pirates are *communes humani generis hostes;* whom all nations are to prosecute, not so much in the right of their own fears, as upon the band of human society. For as there are formal and written leagues, respective to certain enemies; so is there a natural and tacit confederation amongst all men, against the common enemy of human society. So as there needs no intimation, or denunciation of the war; there needs

no request from the nation grieved: but all these formalities the law of nature supplies in the case of pirates. The same is the case of rovers by land; such as yet are some cantons in Arabia, and some petty kings of the mountains, adjacent to straits and ways. Neither is it lawful only for the neighbour princes to destroy such pirates or rovers, but if there were any nation never so far off, that would make it an enterprise of merit and true glory, as the Romans that made a war for the liberty of Græcia from a distant and remote part, no doubt they might do it. I make the same judgment of that kingdom of the assassins now destroyed, which was situate upon the borders of Saraca; and was for a time a great terror to all the princes of the Levant. There the custom was, that upon the commandment of their king, and a blind obedience to be given thereunto, any of them was to undertake, in the nature of a votary, the insidious murder of any prince, or person, upon whom the commandment went. This custom, without all question, made their whole government void, as an engine built against human society, worthy by all men to be fired and pulled down. I say the like of the anabaptists of Munster; and this, although they had not been rebels to the empire: and put case likewise that they had done no mischief at all actually, yet if there shall be a congregation and consent of people, that shall hold all things to be lawful, not according to any certain laws or rules, but according to the secret and variable motions and instincts of the spirit; this is indeed no nation, no people, no seigniory, that God doth know; any nation that is civil and policed, may, if they will not be reduced, cut them off from the face of the earth. Now let me put a feigned case, and yet antiquity makes it doubtful whether it were fiction or history, of a land of Amazons, where the whole government public and private, yea, the militia itself, was in the hands of women. I demand, is not such a preposterous government, against the first order of nature, for women to rule over men, in itself void, and to be suppressed? I speak not of the reign of wo-

men, for that is supplied by counsel, and subordinate magistrates masculine, but where the regiment of state, justice, families, is all managed by women. And yet this last case differeth from the other before, because in the rest there is terror of danger, but in this there is only error of nature. Neither should I make any great difficulty to affirm the same of the sultanry of the Mamalukes; where slaves, and none but slaves, bought for money, and of unknown descent, reigned over families of freemen. And much like were the case, if you suppose a nation, where the custom were, that after full age the sons should expulse their fathers and mothers out of their possessions, and put them to their pensions: for these cases, of women to govern men, sons the fathers, slaves freemen, are much in the same degree; all being total violations and perversions of the laws of nature and nations. For the West-Indies, I perceive, Martius, you have read Garcilazzo de Viega, who himself was descended of the race of the Incas, a Mestizo, and is willing to make the best of the virtues and manners of his country: and yet in troth he doth it soberly and credibly enough. Yet you shall hardly edify me, that those nations might not by the law of nature have been subdued by any nation, that had only policy and moral virtue; though the propagation of the faith, whereof we shall speak in the proper place, were set by, and not made part of the case. Surely their nakedness, being with them, in most parts of that country, without all vail or covering, was a great defacement: for in the acknowledgment of nakedness was the first sense of sin; and the heresy of the Adamites was ever accounted an affront of nature. But upon these I stand not; nor yet upon their idiocy, in thinking that horses did eat their bits, and letters speak, and the like: nor yet upon their sorceries, which are, almost, common to all idolatrous nations. But, I say, their sacrificing, and more especially their eating of men, is such an abomination, as, methinks, a man's face should be a little confused, to deny, that this custom, joined with the rest, did not make it lawful for the Spaniards to invade their terri-

tory, forfeited by the law of nature; and either to reduce them or displant them. But far be it from me, yet nevertheless, to justify the cruelties which were at first used towards them: which had their reward soon after, there being not one of the principal of the first conquerors, but died a violent death himself; and was well followed by the deaths of many more. Of examples enough: except we should add the labours of Hercules; an example, which though it be flourished with much fabulous matter, yet so much it hath, that it doth notably set forth the consent of all nations and ages, in the approbation of the extirpating and debellating of giants, monsters, and foreign tyrants, not only as lawful, but as meritorious even of divine honour: and this although the deliverer came from the one end of the world unto the other. Let us now set down some arguments to prove the same; regarding rather weight than number, as in such a conference as this is fit. The first argument shall be this. It is a great error, and a narrowness or straitness of mind, if any man think, that nations have nothing to do one with another, except there be either an union in sovereignty, or a conjunction in pacts or leagues. There are other bands of society, and implicit confederations. That of colonies, or transmigrants, towards their mother nation. *Gentes unius labii* is somewhat; for as the confusion of tongues was a mark of separation, so the being of one language is a mark of union. To have the same fundamental laws and customs in chief is yet more, as it was between the Grecians in respect of the barbarians. To be of one sect or worship; if it be a false worship, I speak not of it, for that is but *fratres in malo*. But above all these, there is the supreme and indissoluble consanguinity and society between men in general: of which the heathen poet, whom the apostle calls to witness, saith, *We are all his generation*. But much more we Christians, unto whom it is revealed in particularity, that all men came from one lump of earth; and that two singular persons were the parents from whom all the generations of the world are descended: we, I say, ought to ac-

knowledge, that no nations are wholly aliens and strangers the one to the other; and not to be less charitable than the person introduced by the comic poet, *Homo sum, humani nihil a me alienum puto.* Now if there be such a tacit league or confederation, sure it is not idle; it is against somewhat, or somebody: who should they be? Is it against wild beasts; or the elements of fire and water? No, it is against such routs and shoals of people, as have utterly degenerated from the laws of nature; as have in their very body and frame of estate a monstrosity; and may be truly accounted, according to the examples we have formerly recited, common enemies and grievances of mankind; or disgraces and reproaches to human nature. Such people, all nations are interessed, and ought to be resenting, to suppress; considering that the particular states themselves, being the delinquents, can give no redress. And this, I say, is not to be measured so much by the principles of jurists, as by *lex charitatis; lex proximi,* which includes the Samaritan as well as the Levite; *lex filiorum Adæ de massa una:* upon which original laws this opinion is grounded: which to deny, if a man may speak freely, were almost to be a schismatic in nature.

[*The rest was not perfected.*]

THE

LORD BACON'S QUESTIONS

ABOUT THE

LAWFULNESS OF A WAR

FOR THE PROPAGATING OF RELIGION.

Questions wherein I desire opinion, joined with arguments and authorities.

Tenison's *Baconiana*, p. 179.

WHETHER a war be lawful against infidels, only for the propagation of the Christian faith, without other cause of hostility?

Whether a war be lawful to recover to the Church countries which formerly have been Christian, though now alienate, and Christians utterly extirpated?

Whether a war be lawful, to free and deliver Christians that yet remain in servitude and subjection to infidels?

Whether a war be lawful in revenge, or vindication, of blasphemy, and reproaches against the Deity and our Saviour? Or for the ancient effusion of Christian blood, and cruelties upon Christians?

Whether a war be lawful for the restoring and purging of the holy land, the sepulchre, and other principal places of adoration and devotion?

Whether, in the cases aforesaid, it be not obligatory to Christian princes to make such a war, and not permissive only?

Whether the making of a war against the infidels be not first in order of dignity, and to be preferred before extirpations of heresies, reconcilements of schisms, reformation of manners, pursuits of just temporal quarrels, and the like actions for the public good; except there be either a more urgent necessity, or a more evident facility in those inferior actions, or except they may both go on together in some degree?

NOTES

OF

A SPEECH

CONCERNING A WAR WITH SPAIN.

THAT ye conceive there will be little difference in opinion, but that all will advise the king not to entertain further a treaty, wherein he hath been so manifestly and so long deluded.

That the difficulty therefore will be in the consequences thereof; for to the breach of treaty, doth necessarily succeed a despair of recovering the Palatinate by treaty, and so the business falleth upon a war. And to that you will apply your speech, as being the point of importance, and besides, most agreeable to your profession and place.

To a war, such as may promise success, there are three things required: a just quarrel; sufficient forces and provisions; and a prudent and politic choice of the designs and actions whereby the war shall be managed.

For the quarrel, there cannot be a more just quarrel by the laws both of nature and nations, than for the recovery of the ancient patrimony of the king's children, gotten from them by an usurping sword, and an insidious treaty.

But further, that the war well considered is not for the Palatinate only, but for England and Scotland; for if we stay till the Low Countrymen be ruined, and the party of the papists within the realm be grown too strong, England, Scotland, and Ireland, are at the stake.

Neither doth it concern the state only, but our Church: other kings, papists, content themselves to maintain their religion in their own dominions; but

the kings of Spain run a course to make themselves protectors of the popish religion, even amongst the subjects of other kings: almost like the Ottomans, that profess to plant the law of Mahomet by the sword; and so the Spaniards do of the pope's law. And therefore if either the king's blood, or our own blood, or Christ's blood be dear unto us, the quarrel is just, and to be embraced.

For the point of sufficient forces, the balancing of the forces of these kingdoms and their allies, with Spain and their allies, you know to be a matter of great and weighty consideration; but yet to weigh them in a common understanding, for your part, you are of opinion that Spain is no such giant; or if he be a giant, it will be but like Goliah and David, for God will be on our side.

But to leave these spiritual considerations: you do not see in true discourse of peace and war, that we ought to doubt to be overmatched. To this opinion you are led by two things which lead all men; by experience, and by reason.

For experience; you do not find that for this age, take it for 100 years, there was ever any encounter between Spanish and English of importance, either by sea or land, but the English came off with the honour; witness the Lammas-day, the retreat of Gaunt, the battle of Newport, and some others: but there have been some actions, both by sea and land, so memorable as scarce suffer the less to be spoken of. By sea, that of eighty-eight, when the Spaniards, putting themselves most upon their stirrups, sent forth that invincible Armada which should have swallowed up England quick; the success whereof was, that although that fleet swam like mountains upon our seas, yet they did not so much as take a cock-boat of ours at sea, nor fire a cottage at land, but came through our channel, and were driven, as Sir Walter Raleigh says, by squibs, fire-boats he means, from Calais, and were soundly beaten by our ships in fight, and many of them sunk, and finally durst not return the way they came, but made a scattered perambulation, full of shipwrecks,

by the Irish and Scotish seas to get home again; just according to the curse of the Scripture, *that they came out against us one way, and fled before us seven ways.* By land, who can forget the two voyages made upon the continent itself of Spain, that of Lisbon, and that of Cales, when in the former we knocked at the gates of the greatest city either of Spain or Portugal, and came off without seeing an enemy to look us in the face? And though we failed in our foundation, for that Antonio, whom we thought to replace in his kingdom, found no party at all, yet it was a true trial of the gentleness of Spain, which suffered us to go and come without any dispute. And for the latter, of Cales, it ended in victory; we ravished a principal city of wealth and strength in the high countries, sacked it, fired the Indian fleet that was in the port, and came home in triumph; and yet to this day were never put in suit for it, nor demanded reasons for our doings. You ought not to forget the battle of Kinsale in Ireland, what time the Spanish forces were joined with the Irish, good soldiers as themselves, or better, and exceeded us far in number, and yet they were soon defeated, and their general D'Avila taken prisoner, and that war by that battle quenched and ended.

And it is worthy to be noted how much our power in those days was inferior to our present state. Then, a lady old, and owner only of England, intangled with the revolt of Ireland, and her confederates of Holland much weaker, and in no conjuncture. Now, a famous king, and strengthened with a prince of singular expectation, and in the prime of his years, owner of the entire isle of Britain, enjoying Ireland populate and quiet, and infinitely more supported by confederates of the Low Countries, Denmark, divers of the princes of Germany, and others. As for the comparison of Spain as it was then, and as it is now, you will for good respects forbear to speak; only you will say this, that Spain was then reputed to have the wisest council of Europe, and not a council that will come at the whistle of a favourite.

Another point of experience you would not speak of,

if it were not that there is a wonderful erroneous observation, which walketh about, contrary to all the true account of time; and it is, that the Spaniard where he once gets in, will seldom or never be got out again; and they give it an ill-favoured simile which you will not name, but nothing is less true: they got footing at Brest, and some other parts in Britain, and quitted it: they had Calais, Ardes, Amiens, and were part beaten out, and part they rendred: they had Vercelles in Savoy, and fairly left it: they had the other day the Valtoline, and now have put it in deposit. What they will do at Ormus we shall see. So that, to speak truly of latter times, they have rather poached and offered at a number of enterprises, than maintained any constantly. And for Germany, in more ancient time, their great emperor Charles, after he had Germany almost in his fist, was forced in the end to go from Isburgh, as it were in a mask by torch-light, and to quit every foot of his new acquests in Germany, which you hope likewise will be the hereditary issue of this late purchase of the Palatinate. And thus much for experience.

For reason: it hath many branches; you will but extract a few first. It is a nation thin sown of men, partly by reason of the sterility of their soil; and partly because their natives are exhaust by so many employments in such vast territories as they possess, so that it hath been counted a kind of miracle to see together ten or twelve thousand native Spaniards in an army. And although they have at this time great numbers of miscellany soldiers in their armies and garrisons, yet, if there should be the misfortune of a battle, they are ever long about it to draw on supplies.

They tell a tale of a Spanish ambassador that was brought to see their treasury of St. Mark at Venice, and still he looked down to the ground; and being asked the reason, said, "he was looking to see whe-"ther the treasure had any root, so that, if that were "spent, it would grow again; as his master's had." But, howsoever it be of their treasure, certainly their forces have scarcely any root, or at least such a root

as putteth forth very poorly and slowly; whereas there is not in the world again such a spring and seminary of military people as is England, Scotland, and Ireland; nor of seamen as is this island and the Low Countries: so as if the wars should mow them down, yet they suddenly may be supplied and come up again.

A second reason is, and it is the principal, that if we truly consider the greatness of Spain, it consisteth chiefly in their treasure, and their treasure in their Indies, and their Indies, both of them, is but an accession to such as are masters by sea; so as this axletree, whereupon their greatness turns, is soon cut a-two by any that shall be stronger than they at sea. So then you report yourself to their opinions, and the opinions of all men, enemies or whosoever; whether that the maritime forces of Britain and the Low Countries are not able to beat them at sea. For if that be, you see the chain is broken from shipping to Indies, from Indies to treasure, and from treasure to greatness.

The third reason, which hath some affinity with this second, is a point comfortable to hear in the state that we now are; wars are generally causes of poverty and consumption. The nature of this war, you are persuaded, will be matter of restorative and enriching; so that, if we go roundly on with supplies and provisions at the first, the war in continuance will find itself. That you do but point at this, and will not enlarge it.

Lastly, That it is not a little to be considered, that the greatness of Spain is not only distracted extremely, and therefore of less force; but built upon no very sound foundations, and therefore they can have the less strength by any assured and confident confederacy. With France they are in competition for Navarre, Milan, Naples, and the Franche County of Burgundy; with the see of Rome, for Naples also; for Portugal, with the right heirs of that line; for that they have in their Low Countries, with the United Provinces; for Ormus, now, with Persia; for Valencia, with the Moors expulsed and their confederates; for the East and West Indies, with all the world. So that if every

bird had his feather, Spain would be left wonderful naked. But yet there is a greater confederation against them than by means of any of these quarrels or titles; and that is contracted by the fear that almost all nations have of their ambition, whereof men see no end. And thus much for the balancing of their forces.

For the last point, which is the choice of the designs and enterprises, in which to conduct the war; you will not now speak, because you should be forced to descend to divers particulars, whereof some are of a more open, and some of a more secret nature. But that you would move the house to make a selected committee for that purpose; not to estrange the house in any sort, but to prepare things for them, giving them power and commission to call before them, and to confer with any martial men or others that are not of the house, that they shall think fit, for their advice and information: and so to give an account of the business to a general committee of the whole house.

CONSIDERATIONS

TOUCHING

A WAR WITH SPAIN.

INSCRIBED TO PRINCE CHARLES,

Anno MDCXXIV.

YOUR highness hath an imperial name. It was a Charles that brought the empire first into France; a Charles that brought it first into Spain; why should not Great Britain have its turn? But to lay aside all that may seem to have a shew of fumes and fancies, and to speak solids: a war with Spain, if the king shall enter into it, is a mighty work; it requireth strong materials, and active motions. He that saith not so, is zealous, but not according to knowledge. But nevertheless Spain is no such giant: and he that thinketh Spain to be some great overmatch for this estate, assisted as it is, and may be, is no good mint-man; but takes greatness of kingdoms according to their bulk and currency, and not after their intrinsic value. Although therefore I had wholly sequestered my thoughts from civil affairs, yet because it is a new case, and concerneth my country infinitely, I obtained of myself to set down, out of long continued experience in business of estate, and much conversation in books of policy and history, what I thought pertinent to this business; and in all humbleness present it to your highness: hoping that at least you will discern the strength of my affection through the weakness of my abilities: for the Spaniard hath a good proverb, *De suario si empre con la calentura;* there is no heat of affection, but is joined with some idleness of brain.

To a war are required, a just quarrel; sufficient forces and provisions; and a prudent choice of the designs. So then, I will first justify the quarrel; se-

condly, balance the forces; and lastly, propound variety of designs for choice, but not advise the choice; for that were not fit for a writing of this nature; neither is it a subject within the level of my judgment; I being, in effect, a stranger to the present occurrences.

Wars, I speak not of ambitious predatory wars, are suits of appeal to the tribunal of God's justice, where there are no superiors on earth to determine the cause: and they are, as civil pleas are, plaints, or defences. There are therefore three just grounds of war with Spain: one plaint, two upon defence. Solomon saith, *A cord of three is not easily broken:* but especially when every of the lines would hold single by itself. They are these: the recovery of the Palatinate; a just fear of the subversion of our civil estate; a just fear of the subversion of our Church and religion. For in the handling of the two last grounds of war, I shall make it plain, that wars preventive upon just fears are true defensives, as well as upon actual invasions: and again, that wars defensive for religion, I speak not of rebellion, are most just; though offensive wars for religion are seldom to be approved, or never, unless they have some mixture of civil titles. But all that I shall say in this whole argument, will be but like bottoms of thread close wound up, which with a good needle, perhaps, may be flourished into large works.

For the asserting of the justice of the quarrel, for the recovery of the Palatinate, I shall not go so high as to discuss the right of the war of Bohemia; which if it be freed from doubt on our part, then there is no colour nor shadow why the Palatinate should be retained; the ravishing whereof was a mere excursion of the first wrong, and a super-injustice. But I do not take myself to be so perfect in the customs, transactions, and privileges of that kingdom of Bohemia, as to be fit to handle that part: and I will not offer at that I cannot master. Yet this I will say, in passage, positively and resolutely; that it is impossible an elective monarchy should be so free and absolute as an hereditary; no more than it is possible for a father to

have so full power and interest in an adoptive son as in a natural; *quia naturalis obligatio fortior civili.* And again, that received maxim is almost unshaken and infallible; *Nil magis naturæ consentaneum est, quam ut iisdem modis res dissolvantur, quibus constituuntur.* So that if the part of the people or estate be somewhat in the election, you cannot make them nulls or ciphers in the privation or translation. And if it be said, that this is a dangerous opinion, for the pope, emperor, and elective kings; it is true, it is a dangerous opinion, and ought to be a dangerous opinion, to such personal popes, emperors, or elective kings, as shall transcend their limits, and become tyrannical. But it is a safe and sound opinion for their sees, empires, and kingdoms; and for themselves also, if they be wise; *plenitudo potestatis est plenitudo tempestatis.* But the chief cause why I do not search into this point is, because I need it not. And in handling the right of a war, I am not willing to intermix matter doubtful with that which is out of doubt. For as in capital causes, wherein but one man's life is in question, *in favorem vitæ* the evidence ought to be clear; so much more in a judgment upon a war, which is capital to thousands. I suppose therefore the worst, that the offensive war upon Bohemia had been unjust; and then make the case, which is no sooner made than resolved; if it be made not enwrapped, but plainly and perspicuously. It is this *in thesi.* An offensive war is made, which is unjust in the aggressor; the prosecution and race of the war carrieth the defendant to assail and invade the ancient and indubitate patrimony of the first aggressor, who is now turned defendant; shall he sit down, and not put himself in defence? Or if he be dispossessed, shall he not make a war for the recovery? No man is so poor of judgment as will affirm it. The castle of Cadmus was taken, and the city of Thebes itself invested by Phœbidas the Lacedæmonian, insidiously, and in violation of league: the process of this action drew on a re-surprise of the castle by the Thebans, a recovery of the town, and a current of the war even unto the walls of Sparta. I demand, was

the defence of the city of Sparta, and the expulsion of the Thebans out of the Laconian territories, unjust? The sharing of that part of the duchy of Milan, which lieth upon the river of Adda, by the Venetians, upon contract with the French, was an ambitious and unjust purchase. This wheel set on going, did pour a war upon the Venetians with such a tempest, as Padua and Trevigi were taken from them, and all their dominions upon the continent of Italy abandoned, and they confined within the salt waters. Will any man say, that the memorable recovery and defence of Padua, when the gentlemen of Venice, unused to the wars, out of the love of their country, became brave and martial the first day, and so likewise the re-adeption of Trevigi, and the rest of their dominions, was matter of scruple, whether just or no, because it had source from a quarrel ill begun? The war of the duke of Urbin, nephew to pope Julius the second, when he made himself head of the Spanish mutineers, was as unjust as unjust might be; a support of desperate rebels; an invasion of St. Peter's patrimony; and what you will. The race of this war fell upon the loss of Urbin itself, which was the duke's undoubted right; yet, in this case, no penitentiary, though he had enjoined him never so strait penance to expiate his first offence, would have counselled him to have given over the pursuit of his right for Urbin; which, after, he prosperously re-obtained, and hath transmitted to his family yet until this day. Nothing more unjust than the invasion of the Spanish Armada in 88, upon our seas: for our land was holy land to them, they might not touch it; shall I say therefore, that the defence of Lisbon, or Cales, afterwards, was unjust? There be thousands of examples; *utor in re non dubia exemplis non necessariis:* the reason is plain; wars are *vindictæ*, revenges, reparations. But revenges are not infinite, but according to the measure of the first wrong or damage. And therefore when a voluntary offensive war, by the design or fortune of the war, is turned to a necessary defensive war, the scene of the tragedy is changed, and it is a new act to begin.

For the particular actions of war, though they are complicate in fact, yet they are separate and distinct in right; like to cross suits in civil pleas, which are sometimes both just. But this is so clear, as needeth no farther to be insisted upon. And yet if in things so clear, it were fit to speak of more or less clear in our present cause, it is the more clear on our part, because the possession of Bohemia is settled with the emperor. For though it be true, that *non datur compensatio injuriarum*; yet were there somewhat more colour to detain the Palatinate, as in the nature of a recovery, in value or compensation, if Bohemia had been lost, or were still the stage of war. Of this therefore I speak no more. As for the title of proscription or forfeiture, wherein the emperor, upon the matter, hath been judge and party, and hath justiced himself, God forbid but that it should well endure an appeal to a war. For certainly the court of heaven is as well a chancery to save and debar forfeitures, as a court of common law to decide rights; and there would be work enough in Germany, Italy, and other parts, if imperial forfeitures should go for good titles.

Thus much for the first ground of war with Spain, being in the nature of a plaint for the recovery of the Palatinate; omitting here that which might be the seed of a larger discourse, and is verified by a number of examples; that whatsoever is gained by an abusive treaty, ought to be restored *in integrum:* as we see the daily experience of this in civil pleas; for the images of great things are best seen contracted into small glasses: we see, I say, that all pretorian courts, if any of the parties be entertained or laid asleep, under pretence of arbitrement or accord, and that the other party, during that time, doth cautelously get the start and advantage at common law, though it be to judgment and execution; yet the pretorian court will set back all things *in statu quo prius*, no respect had to such eviction or dispossession. Lastly, let there be no mistaking; as if when I speak of a war for the recovery of the Palatinate, I meant, that it must be *in linea recta*, upon that place: for look into *jus fæ-*

ciale, and all examples, and it will be found to be without scruple, that after a legation *ad res repetendas*, and a refusal, and a denunciation or indiction of a war, the war is no more confined to the place of the quarrel, but is left at large and to choice, as to the particular conducing designs, as opportunities and advantages shall invite.

To proceed therefore to the second ground of a war with Spain, we have set it down to be, a just fear of the subversion of our civil estate. So then, the war is not for the Palatinate only, but for England, Scotland, Ireland, our king, our prince, our nation, all that we have. Wherein two things are to be proved: The one, that a just fear, without an actual invasion or offence, is a sufficient ground of a war, and in the nature of a true defensive: the other, that we have towards Spain cause of just fear; I say, just fear: for as the civilians do well define, that the legal fear is *justus metus qui cadit in constantem virum* in private causes: so there is *justus metus qui cadit in constantem senatum, in causa publica;* not out of umbrages, light jealousies, apprehensions afar off, but out of clear foresight of imminent danger.

Concerning the former proposition, it is good to hear what time saith. Thucydides, in his inducement to his story of the great war of Peloponnesus, sets down in plain terms, that the true cause of that war was the overgrowing greatness of the Athenians, and the fear that the Lacedæmonians stood in thereby; and doth not doubt to call it, a necessity imposed upon the Lacedæmonians of a war; which are the words of a mere defensive: adding, that the other causes were but specious and popular. *Verissimam quidem, sed minime sermone celebratam, arbitror extitisse belli causam, Athenienses, magnos effectos et Lacedæmoniis formidolosos, necessitatem illis imposuisse bellandi: quæ autem propalam ferebantur utrinque causæ, istæ fuerant, etc.* "The truest cause of this war, though "least voiced, I conceive to have been this; that the "Athenians, being grown great, to the terror of the "Lacedæmonians, did impose upon them a necessity

" of a war: but the causes that went abroad in speech " were these," *etc.* Sulpitius Galba, consul, when he persuaded the Romans to a preventive war, with the later Philip king of Macedon, in regard of the great preparations which Philip had then on foot, and his designs to ruin some of the confederates of the Romans, confidently saith, that they who took that for an offensive war, understood not the state of the question. *Ignorare videmini mihi, Quirites, non utrum bellum an pacem habeatis, vos consuli, neque enim liberum id vobis permittet Philippus, qui terra marique ingens bellum molitur, sed utrum in Macedoniam legiones transportetis, an hostem in Italiam recipiatis.* " Ye " seem to me, ye Romans, not to understand, that the " consultation before you is not, whether you shall " have war or peace, for Philip will take order you " shall be no choosers, who prepareth a mighty war " both by land and sea, but whether you shall trans- " port the war into Macedon, or receive it into Italy." Antiochus, when he incited Prusias king of Bithynia, at that time in league with the Romans, to join with him in war against them, setteth before him a just fear of the overspreading greatness of the Romans, comparing it to a fire that continually took, and spread from kingdom to kingdom: *Venire Romanos ad omnia regna tollenda, ut nullum usquam orbis terrarum nisi Romanum imperium esset; Philippum et Nabin expugnatos, se tertium peti; ut quisque proximus ab oppresso sit, per omnes velut continens incendium pervasurum:* " That the Romans came to pull down all " kingdoms, and to make the state of Rome an univer- " sal monarchy; that Philip and Nabis were already " ruinated, and now was his turn to be assailed: so " that as every state lay next to the other that was " oppressed, so the fire perpetually grazed." Wherein it is well to be noted, that towards ambitious states, which are noted to aspire to great monarchies, and to seek upon all occasions to enlarge their dominions, *crescunt argumenta justi metus;* all particular fears do grow and multiply out of the contemplation of the general courses and practice of such states. There-

fore in deliberations of war against the Turk, it hath been often, with great judgment, maintained, that Christian princes and states have always a sufficient ground of invasive war against the enemy: not for cause of religion, but upon a just fear; forasmuch as it is a fundamental law in the Turkish empire, that they may, without any other provocation, make war upon Christendom for the propagation of their law; so that there lieth upon the Christians a perpetual fear of a war, hanging over their heads, from them; and therefore they may at all times, as they think good, be upon the prevention. Demosthenes exposeth to scorn wars which are not preventive, comparing those that make them to country fellows in a fencing-school, that never ward till the blow be past: *Ut barbari pugiles dimicare solent, ita vos bellum geritis cum Philippo: ex his enim is, qui ictus est, ictui semper inhæret: quod si eum alibi verberes, illo manus transfert; ictum autem depellere, aut prospicere, neque scit neque vult.* "As "country fellows use to do when they play at wasters, "such a kind of war do you, Athenians, make with "Philip; for with them he that gets a blow straight "falleth to ward when the blow is passed; and if you "strike him in another place, thither goes his hand "likewise: but to put by, or foresee a blow, they "neither have the skill, nor the will."

Clinias the Candian, in Plato, speaks desperately and wildly, as if there were no such thing as peace between nations; but that every nation expects but his advantage to war upon another. But yet in that excess of speech there is thus much that may have a civil construction; namely, that every state ought to stand upon its guard, and rather prevent than be prevented. His words are, *Quam rem fere vocant pacem, nudum et inane nomen est; revera autem omnibus, adversus omnes civitates, bellum sempiternum perdurat.* "That "which men for the most part call peace, is but a "naked and empty name; but the truth is, that there "is ever between all estates a secret war." I know well this speech is the objection and not the decision, and that it is after refuted; but yet, as I said before, it

bears thus much of truth, that if that general malignity, and predisposition to war, which he untruly figureth to be in all nations, be produced and extended to a just fear of being oppressed, then it is no more a true peace, but a name of a peace.

As for the opinion of Iphicrates the Athenian, it demands not so much towards a war as a just fear, but rather cometh near the opinion of Clinias; as if there were ever amongst nations a brooding of a war, and that there is no sure league but impuissance to do hurt. For he, in the treaty of peace with the Lacedæmonians, speaketh plain language; telling them, there could be no true and secure peace, except the Lacedæmonians yielded to those things, which being granted, it would be no longer in their power to hurt the Athenians, though they would: and to say truth, if one mark it well, this was in all memory the main piece of wisdom, in strong and prudent counsels, to be in perpetual watch, that the states about them should neither by approach, nor by increase of dominion, nor by ruining confederates, nor by blocking of trade, nor by any the like means, have it in their power to hurt or annoy the states they serve; and whensoever any such cause did but appear, straightways to buy it out with a war, and never take up peace at credit and upon interest. It is so memorable, as it is yet as fresh as if it were done yesterday, how that triumvirate of kings, Henry the eighth of England, Francis the first of France, and Charles the fifth emperor and king of Spain, were in their times so provident, as scarce a palm of ground could be gotten by either of the three, but that the other two would be sure to do their best, to set the balance of Europe upright again. And the like diligence was used in the age before by that league, wherewith Guicciardine beginneth his story, and maketh it, as it were, the calendar of the good days of Italy, which was contracted between Ferdinando king of Naples, Lorenzo of Medici potentate of Florence, and Lodovico Sforza duke of Milan, designed chiefly against the growing power of the Venetians; but yet so, as the confede-

rates had a perpetual eye one upon another, that none of them should overtop. To conclude therefore; howsoever some schoolmen, otherwise reverend men, yet fitter to guide penknives than swords, seem precisely to stand upon it, that every offensive war must be *ultio*, a revenge, that presupposeth a precedent assault or injury; yet neither do they descend to this point, which we now handle, of a just fear; neither are they of authority to judge this question against all the precedents of time. For certainly, as long as men are men, the sons, as the poets allude, of Prometheus, and not of Epimetheus, and as long as reason is reason, a just fear will be a just cause of a preventive war; but especially if it be part of the case, that there be a nation that is manifestly detected to aspire to monarchy and new acquests; then other states, assuredly, cannot be justly accused for not staying for the first blow; or for not accepting Polyphemus's courtesy, to be the last that shall be eaten up.

Nay, I observe farther, that in that passage of Plato which I cited before, and even in the tenet of that person that beareth the resolving part, and not the objecting part, a just fear is justified for a cause of an invasive war, though the same fear proceed not from the fault of the foreign state to be assailed: for it is there insinuated, that if a state, out of the distemper of their own body, do fear sedition and intestine troubles to break out amongst themselves, they may discharge their own ill humours upon a foreign war for a cure. And this kind of cure was tendered by Jasper Coligni, admiral of France, to Charles the ninth the French king, when by a vive and forcible persuasion he moved him to a war upon Flanders, for the better extinguishment of the civil wars of France; but neither was that counsel prosperous; neither will I maintain that position: for I will never set politics against ethics; especially for that true ethics are but as a handmaid to divinity and religion. Surely St. Thomas, who had the largest heart of the school divines, bendeth chiefly his style against the depraved passions which reign in making wars, speaking out of St. Augustine:

Nocendi cupiditas, ulciscendi crudelitas, implacatus et implacabilis animus, feritas rebellandi, libido dominandi, et si quæ sunt similia, hæc sunt quæ in bellis jure culpantur. And the same St. Thomas, in his own text, defining of the just causes of a war, doth leave it upon very general terms: *Requiritur ad bellum causa justa, ut scilicet illi, qui impugnantur, propter aliquam culpam impugnationem mereantur:* for *impugnatio culpæ* is a far more general word, than *ultio injuriæ.* And thus much for the first proposition, of the second ground of a war with Spain: namely, that a just fear is a just cause of a war; and that a preventive war is a true defensive.

The second or minor proposition was this; that this kingdom hath cause of just fear of overthrow from Spain. Wherein it is true, that fears are ever seen in dimmer lights than facts. And on the other side, fears use, many times, to be represented in such an imaginary fashion, as they rather dazzle mens eyes than open them: and therefore I will speak in that manner which the subject requires; that is, probably, and moderately, and briefly. Neither will I deduce these fears to present occurrences; but point only at general grounds, leaving the rest to more secret counsels.

Is it nothing, that the crown of Spain hath enlarged the bounds thereof within this last sixscore years, much more than the Ottoman's? I speak not of matches or unions, but of arms, occupations, invasions. Granada, Naples, Milan, Portugal, the East and West Indies; all these are actual additions to that crown. They had a mind to French Britain, the lower part of Picardy, and Piedmont; but they have let fall their bit. They have, to this day, such a hovering possession of the Valtoline, as an hobby hath over a lark: and the Palatinate is in their talons: so that nothing is more manifest, than that this nation of Spain runs a race still of empire, when all other states of Christendom stand in effect at a stay. Look then a little farther into the titles whereby they have acquired, and do now hold these new portions of their crown; and you will find them of so many varieties, and such natures, to speak with

due respect, as may appear to be easily minted, and such as can hardly at any time be wanting. And therefore, so many new conquests and purchases, so many strokes of the alarm bell of fear and awaking to other nations; and the facility of the titles, which hand-over-head have served their turn, doth ring the peal so much the sharper and louder.

Shall we descend from their general disposition to enlarge their dominions, to their particular disposition and eye of appetite which they have had towards us: they have now twice sought to impatronise themselves of this kingdom of England; once by marriage with queen Mary; and the second time by conquest in 88, when their forces by sea and land were not inferior to those they have now. And at that time in 88, the counsel and design of Spain was by many advertisements revealed and laid open to be, that they found the war upon the Low Countries so churlish and longsome, as they grew then to a resolution, that as long as England stood in state to succour those countries, they should but consume themselves in an endless war; and therefore there was no other way but to assail and depress England, which was as a back of steel to the Flemings. And who can warrant, I pray, that the same counsel and design will not return again? So as we are in a strange dilemma of danger: for if we suffer the Flemings to be ruined, they are our outwork, and we shall remain naked and dismantled: if we succour them strongly, as is fit, and set them upon their feet, and do not withal weaken Spain, we hazard to change the scene of the war, and to turn it upon Ireland or England: like unto rheums and defluxions, which if you apply a strong repercussive to the place affected, and do not take away the cause of the disease, will shift and fall straightways to another joint or place. They have also twice invaded Ireland; once under the pope's banner, when they were defeated by the lord Gray: and after in their own name, when they were defeated by the lord Mountjoy. So as let this suffice for a taste of their disposition towards us. But it will be said, this is an almanack for the old year; since

88 all hath been well; Spain hath not assailed this kingdom, howsoever by two several invasions from us mightily provoked. It is true: but then consider, that immediately after 88, they were imbroiled for a great time in the protection of the league of France, whereby they had their hands full; after being brought extreme low by their vast and continual imbracements, they were enforced to be quiet that they might take breath, and do reparations upon their former wastes. But now of late, things seem to come apace to their former estate; nay, with far greater disadvantage to us; for now that they have almost continued, and, as it were, arched their dominions from Milan, by the Valtoline and Palatinate, to the Low Countries, we see how they thirst and pant after the utter ruin of those states; having in contempt almost the German nation, and doubting little opposition except it come from England: whereby either we must suffer the Dutch to be ruined, to our own manifest prejudice; or put it upon the hazard I spake of before, that Spain will cast at the fairest. Neither is the point of internal danger, which groweth upon us, to be forgotten; this, that the party of the papists in England are become more knotted, both in dependence towards Spain and amongst themselves, than they have been. Wherein again comes to be remembered the case of 88: for then also it appeared by divers secret letters, that the design of Spain was, for some years, before the invasion attempted, to prepare a party in this kingdom to adhere to the foreigner at his coming. And they bragged, that they doubted not to abuse and lay asleep the queen and council of England, as to have any fear of the party of papists here; for that they knew, they said, the state would but cast the eye and look about to see whether there were any eminent head of that party, under whom it might unite itself; and finding none worth the thinking on, the state would rest secure and take no apprehension: whereas they meant, they said, to take a course to deal with the people, and particulars, by reconcilements, and confessions, and secret promises, and cared not for any head of party.

And this was the true reason, why after that the seminaries began to blossom, and to make missions into England, which was about the three and twentieth year of queen Elizabeth, at what time also was the first suspicion of the Spanish invasion, then, and not before, grew the sharp and severe laws to be made against the papists. And therefore the papists may do well to change their thanks; and whereas they thank Spain for their favours, to thank them for their perils and miseries if they should fall upon them: for that nothing ever made their case so ill as the doubt of the greatness of Spain, which adding reason of state to matter of conscience and religion, did whet the laws against them. And this case also seemeth, in some sort, to return again at this time; except the clemency of his majesty, and the state, do superabound; as, for my part, I do wish it should; and that the proceedings towards them may rather tend to security, and providence, and point of state, than to persecution for religion. But to conclude; these things briefly touched, may serve as in a subject conjectural and future, for to represent how just cause of fear this kingdom may have towards Spain: omitting, as I said before, all present and more secret occurrences.

The third ground of a war with Spain, I have set down to be, a just fear of the subversion of our Church and religion: which needeth little speech. For if this war be a defensive, as I have proved it to be, no man will doubt, that a defensive war against a foreigner for religion is lawful. Of an offensive war there is more dispute. And yet in that instance of the war for the Holy Land and sepulchre, I do wonder sometimes, that the schoolmen want words to defend that, which S. Bernard wanted words to commend. But I, that in this little extract of a treatise do omit things necessary, am not to handle things unnecessary. No man, I say, will doubt, but if the pope, or king of Spain, would demand of us to forsake our religion upon pain of a war, it were as unjust a demand, as the Persians made to the Grecians of land and water; or the Ammonites to the Israelites of their right eyes. And we

see all the heathen did stile their defensive wars, *pro aris et focis;* placing their altars before their hearths. So that it is in vain of this to speak farther. Only this is true; that the fear of the subversion of our religion from Spain is the more just, for that all other catholic princes and states content and contain themselves to maintain their religion within their own dominions, and meddle not with the subjects of other states; whereas the practice of Spain hath been, both in Charles the Fifth's time, and in the time of the league in France, by war; and now with us, by conditions of treaty, to intermeddle with foreign states, and to declare themselves protectors general of the party of catholics, through the world. As if the crown of Spain had a little of this, that they would plant the pope's laws by arms, as the Ottomans do the law of Mahomet. Thus much concerning the first main point of justifying the quarrel, if the king shall enter into a war; for this that I have said, and all that followeth to be said, is but to shew what he may do.

The second main part of that I have propounded to speak of, is the balance of forces between Spain and us. And this also tendeth to no more, but what the king may do. For what he may do is of two kinds: what he may do as just; and what he may do as possible. Of the one I have already spoken; of the other I am now to speak. I said, Spain was no such giant; and yet if he were a giant, it will be but as it was between David and Goliath, for *God is on our side.* But to leave all arguments that are supernatural, and to speak in an human and politic sense, I am led to think that Spain is no over-match for England, by that which leadeth all men; that is, experience and reason. And with experience I will begin, for there all reason beginneth.

Is it fortune, shall we think, that, in all actions of war or arms, great and small, which have happened these many years, ever since Spain and England have had any thing to debate one with the other, the English upon all encounters have perpetually come off with honour, and the better? It is not fortune sure; she

is not so constant. There is somewhat in the nation and natural courage of the people, or some such thing. I will make a brief list of the particulars themselves in an historical truth, no ways strouted, nor made greater by language. This were a fit speech, you will say; for a general, in the head of an army, when they were going to battle: yes; and it is no less fit speech to be spoken in the head of a council, upon a deliberation of entrance into a war. Neither speak I this to disparage the Spanish nation, whom I take to be of the best soldiers in Europe; but that sorteth to our honour, if we still have had the better hand.

In the year 1578, was that famous lammas day, which buried the reputation of Don John of Austria, himself not surviving long after. Don John being superior in forces, assisted by the prince of Parma, Mondragon, Mansell, and other the best commanders of Spain, confident of victory, charged the army of the States near Rimenant, bravely and furiously at the first; but after a fight maintained by the space of a whole day, was repulsed, and forced to a retreat, with great slaughter of his men; and the course of his farther enterprises was wholly arrested; and this chiefly by the prowess and virtue of the English and Scotish troops, under the conduct of Sir John Norris and Sir Robert Stuart, colonels: which troops came to the army but the day before, harassed with a long and wearisome march; and, as it is left for a memorable circumstance in all stories, the soldiers being more sensible of a little heat of the sun, than of any cold fear of death, cast away their armour and garments from them, and fought in their shirts: and, as it was generally conceived, had it not been that the count of Bossu was slack in charging the Spaniards upon their retreat, this fight had sorted to an absolute defeat. But it was enough to chastise Don John for his insidious treaty of peace, wherewith he had abused the States at his first coming. And the fortune of the day, besides the testimony of all stories, may be the better ascribed to the service of the English and Scotish, by comparison of this charge near Rimenant, where the

English and Scotish in great numbers came in action, with the like charge given by Don John half a year before at Glemblours, where the success was contrary: there being at that time in the army but a handful of English and Scotish, and they put in disarray by the horsemen of their own fellows.

The first dart of war which was thrown from Spain or Rome upon the realm of Ireland, was in the year 1580; for the design of Stukely blew over into Afric; and the attempt of Saunders and Fitz-Maurice had a spice of madness. In that year Ireland was invaded by Spanish and Italian forces, under the pope's banner, and the conduct of San Josepho, to the number of 700 or better, which landed at Smerwick in Kerry. A poor number it was to conquer Ireland to the pope's use; for their design was no less: but withal they brought arms for 5000 men above their own company, intending to arm so many of the rebels of Ireland. And their purpose was, to fortify in some strong place of the wild and desolate country, and there to nestle till greater succours came; they being hastened unto this enterprise upon a special reason of state, not proper to the enterprise itself; which was by the invasion of Ireland, and the noise thereof, to trouble the council of England, and to make a diversion of certain aids, that then were preparing from hence for the Low Countries. They chose a place where they erected a fort, which they called the *Fort del Or;* and from thence they bolted like beasts of the forest, sometimes into the woods and fastnesses, and sometimes back again to their den. Soon after siege was laid to the fort by the lord Gray, then deputy, with a smaller number than those were within the fort; venturously indeed; but haste was made to attack them before the rebels came in to them. After the siege of four days only, and two or three sallies, with loss on their part, they that should have made good the fort for some months, till new succours came from Spain, or at least from the rebels of Ireland, yielded up themselves without conditions at the end of those four days. And for that they were not in the English army enough to

keep every man a prisoner, and for that also the deputy expected instantly to be assailed by the rebels; and again, there were no barks to throw them into, and send them away by sea; they were all put to the sword; with which queen Elizabeth was afterwards much displeased.

In the year 1582, was that memorable retreat of Gaunt; than the which there hath not been an exploit of war more celebrated. For in the true judgment of men of war, honourable retreats are no ways inferior to brave charges; as having less of fortune, more of discipline, and as much of valour. There were to the number of three hundred horse, and as many thousand foot English, commanded by Sir John Norris, charged by the prince of Parma, coming upon them with seven thousand horse; besides that the whole army of Spaniards was ready to march on. Nevertheless Sir John Norris maintained a retreat without disarray, by the space of some miles, part of the way champaign, unto the city of Gaunt, with less loss of men than the enemy: the duke of Anjou, and the prince of Orange, beholding this noble action from the walls of Gaunt, as in a theatre, with great admiration.

In the year 1585, followed the prosperous expedition of Drake and Carlile into the West Indies, in the which I set aside the taking of St. Jago and St. Domingo in Hispaniola, as surprises rather than encounters. But that of Carthagena, where the Spaniards had warning of our coming, and had put themselves in their full strength, was one of the hottest services, and most dangerous assaults that hath been known. For the access to the town was only by a neck of land, between the sea on the one part, and the harbour water or inner sea on the other; fortified clean over with a strong rampier and barricado; so as upon the ascent of our men, they had both great ordnance and small shot, that thundred and showered upon them from the rampier in front, and from the galleys that lay at sea in flank. And yet they forced the passage, and won the town, being likewise very well manned. As for the expedition of Sir Francis Drake, in the year 1587,

for the destroying of the Spanish shipping and provision upon their own coast; as I cannot say that there intervened in that enterprise any sharp fight or encounter; so, nevertheless, it did strangely discover, either that Spain is very weak at home, or very slow to move; when they suffered a small fleet of English to make an hostile invasion or incursion upon their havens and roads, from Cadiz to Capa Sacra, and thence to Cascais; and to fire, sink, and carry away at the least, ten thousand ton of their great shipping, besides fifty or sixty of their smaller vessels; and that in the sight, and under the favour of their forts; and almost under the eye of their great admiral, the best commander of Spain by sea, the marquis de Santa Cruz, without ever being disputed with by any fight of importance. I remember Drake, in the vaunting stile of a soldier, would call this enterprise, the singeing of the king of Spain's beard.

The enterprise of 88, deserveth to be stood upon a little more fully, being a miracle of time. There armed from Spain, in the year 1588, the greatest navy that ever swam upon the sea: for though there have been far greater fleets for number, yet for the bulk and building of the ships, with the furniture of great ordnance and provisions, never the like. The design was to make not an invasion only, but an utter conquest of this kingdom. The number of vessels were one hundred and thirty, whereof galliasses and galleons seventy-two goodly ships, like floating towers or castles, manned with thirty thousand soldiers and mariners. This navy was the preparation of five whole years, at the least: it bare itself also upon divine assistance; for it received special blessing from pope Sixtus, and was assigned as an apostolical mission for the reducement of this kingdom to the obedience of the see of Rome. And, in farther token of this holy warfare, there were amongst the rest of these ships, twelve, called by the names of the twelve apostles. But it was truly conceived, that this kingdom of England could never be overwhelmed, except the land waters came in to the sea tides. Therefore was there also in readiness in

Flanders, a mighty strong army of land forces, to the number of fifty thousand veteran soldiers, under the conduct of the duke of Parma, the best commander, next the French king Henry the Fourth, of his time. These were designed to join with the forces at sea; there being prepared a number of flat-bottomed boats to transport the land forces, under the wing and protection of the great navy. For they made no account, but that the navy should be absolute master of the seas. Against these forces, there were prepared on our part, to the number of near one hundred ships; not so great of bulk indeed, but of a more nimble motion, and more serviceable; besides a less fleet of thirty ships, for the custody of the narrow seas. There were also in readiness at land two armies; besides other forces, to the number of ten thousand, dispersed amongst the coast towns in the southern parts. The two armies were appointed; one of them consisting of twenty-five thousand horse and foot, for the repulsing of the enemy at their landing; and the other of twenty-five thousand for safeguard and attendance about the court and the queen's person. There were also other dormant musters of soldiers throughout all parts of the realm, that were put in readiness, but not drawn together. The two armies were assigned to the leading of two generals, noble persons, but both of them rather courtiers, and assured to the state, than martial men; yet lined and assisted with subordinate commanders of great experience and valour. The fortune of the war made this enterprise at first a play at base. The Spanish navy set forth out of the Groyne in May, and was dispersed and driven back by weather. Our navy set forth somewhat later out of Plymouth, and bare up towards the coast of Spain to have fought with the Spanish navy; and partly by reason of contrary winds, partly upon advertisement that the Spaniards were gone back, and upon some doubt also that they might pass by towards the coast of England, whilst we were seeking them afar off, returned likewise into Plymouth about the middle of July. At that time came more confident advertisement, though false,

not only to the lord Admiral, but to the court, that the Spaniards could not possibly come forward that year; whereupon our navy was upon the point of disbanding, and many of our men gone ashore: at which very time the Invincible Armada, for so it was called in a Spanish ostentation, throughout Europe, was discovered upon the western coast. It was a kind of surprise; for that, as was said, many of our men were gone to land, and our ships ready to depart. Nevertheless the admiral, with such ships only as could suddenly be put in readiness, made forth towards them; insomuch as of one hundred ships, there came scarce thirty to work. Howbeit, with them, and such as came daily in, we set upon them, and gave them the chase. But the Spaniards, for want of courage, which they called commission, declined the fight, casting themselves continually into roundels, their strongest ships walling in the rest, and in that manner they made a flying march towards Calais. Our men by the space of five or six days followed them close, fought with them continually, made great slaughter of their men, took two of their great ships, and gave divers others of their ships their death's wounds, whereof soon after they sank and perished; and, in a word, distressed them almost in the nature of a defeat; we ourselves in the mean time receiving little or no hurt. Near Calais the Spaniards anchored, expecting their land-forces, which came not. It was afterwards alledged, that the duke of Parma did artificially delay his coming; but this was but an invention and pretension given out by the Spaniards; partly upon a Spanish envy against that duke, being an Italian, and his son a competitor to Portugal; but chiefly to save the monstrous scorn and disreputation, which they and their nation received by the success of that enterprise. Therefore their colours and excuses, forsooth, were, that their general by sea had a limited commission, not to fight until the land forces were come in to them: and that the duke of Parma had particular reaches and ends of his own underhand, to cross the design. But it was both a strange commission, and a

strange obedience to a commission; for men in the midst of their own blood, and being so furiously assailed, to hold their hands, contrary to the laws of nature and necessity. And as for the duke of Parma, he was reasonably well tempted to be true to that enterprise, by no less promise than to be made a feudatary, or beneficiary king of England, under the seignory, in chief, of the pope, and the protection of the king of Spain. Besides, it appeared that the duke of Parma held his place long after in the favour and trust of the king of Spain, by the great employments and services that he performed in France: and again, it is manifest, that the duke did his best to come down, and to put to sea. The truth was, that the Spanish navy, upon those proofs of fight which they had with the English, finding how much hurt they received, and how little hurt they did, by reason of the activity and low building of our ships, and skill of our seamen; and being also commanded by a general of small courage and experience, and having lost at the first two of their bravest commanders at sea, Pedro de Valdez, and Michael de Oquenda; durst not put it to a battle at sea, but set up their rest wholly upon the land enterprise. On the other side, the transporting of the land forces failed in the very foundation: for whereas the council of Spain made full account, that their navy should be master of the sea, and therefore able to guard and protect the vessels of transportation; when it fell out to the contrary that the great navy was distressed, and had enough to do to save itself; and again, that the Hollanders impounded their land forces with a brave fleet of thirty sail, excellently well appointed; things, I say, being in this state, it came to pass that the duke of Parma must have flown if he would have come into England, for he could get neither bark nor mariner to put to sea: yet certain it is, that the duke looked still for the coming back of the Armada, even at that time when they were wandering, and making their perambulation upon the northern seas. But to return to the Armada, which we left anchored at Calais: from thence, as Sir Walter Raleigh was wont

prettily to say, they were suddenly driven away with squibs; for it was no more but a stratagem of fire boats, manless, and sent upon them by the favour of the wind in the night time, that did put them in such terror, as they cut their cables, and left their anchors in the sea. After they hovered some two or three days about Graveling, and there again were beaten in a great fight; at what time our second fleet, which kept the narrow seas, was come in and joined to our main fleet. Thereupon the Spaniards entering into farther terror, and finding also divers of their ships every day to sink, lost all courage, and instead of coming up into the Thames' mouth for London, as their design was, fled on towards the north to seek their fortunes; being still chased by the English navy at the heels, until we were fain to give them over for want of powder. The breath of Scotland the Spaniards could not endure; neither durst they as invaders land in Ireland; but only ennobled some of the coasts thereof with shipwrecks. And so going northwards aloof, as long as they had any doubt of being pursued, at last, when they were out of reach, they turned, and crossed the ocean to Spain, having lost fourscore of their ships and the greater part of their men. And this was the end of that sea-giant, the Invincible Armada: which, having not so much as fired a cottage of ours at land, nor taken a cock-boat of ours at sea, wandered through the wilderness of the northern seas; and, according to the curse in the Scripture, *came out against us one way, and fled before us seven ways.* Serving only to make good the judgment of an astrologer long before given, *octogesimus octavus mirabilis annus:* or rather, to make good, even to the astonishment of all posterity, the wonderful judgments of God, poured down commonly upon vast and proud aspirings.

In the year that followed, of 1589, we gave the Spaniards no breath, but turned challengers, and invaded the main of Spain. In which enterprise, although we failed in our end, which was to settle Don Antonio in the kingdom of Portugal, yet a man shall hardly meet with an action that doth better reveal the great secret

of the power of Spain; which power well sought into, will be found rather to consist in a veteran army, such as upon several occasions and pretensions they have ever had on foot, in one part or other of Christendom, now by the space of almost sixscore years, than in the strength of their dominions and provinces. For what can be more strange, or more to the disvaluation of the power of the Spaniard upon the continent, than that with an army of eleven thousand English land soldiers, and a fleet of twenty-six ships of war, besides some weak vessels for transportation, we should, within the hour-glass of two months, have won one town of importance by scalado, battered and assaulted another, overthrown great forces in the field, and that upon the disadvantage of a bridge strongly barricadoed, landed the army in three several places of his kingdom, marched seven days in the heart of his countries, lodged three nights in the suburbs of his principal city, beaten his forces into the gates thereof, possessed two of his frontier forts, and come off after all this with small loss of men, otherwise than by sickness? And it was verily thought, that had it not been for four great disfavours of that voyage, that is to say, the failing in sundry provisions that were promised, especially of cannons for battery; the vain hopes of Don Antonio, concerning the people of the country to come in to his aid; the disappointment of the fleet that was directed to come up the river of Lisbon; and lastly, the diseases which spread in the army by reason of the heat of the season, and of the soldiers misrule in diet, the enterprise had succeeded, and Lisbon had been carried. But howsoever it makes proof to the world, that an invasion of a few English upon Spain may have just hope of victory, at least of passport to depart safely.

In the year 1591 was that memorable fight of an English ship called the Revenge, under the command of sir Richard Greenvil; memorable, I say, even beyond credit, and to the height of some heroical fable: and though it were a defeat, yet it exceeded a victory; being like the act of Samson, that killed more men at

his death, than he had done in the time of all his life. This ship, for the space of fifteen hours, sat like a stag among hounds at the bay, and was sieged, and fought with, in turn, by fifteen great ships of Spain, part of a navy of fifty-five ships in all; the rest like abetters looking on afar off. And amongst the fifteen ships that fought, the great S. Philippo was one; a ship of fifteen hundred ton, prince of the twelve sea-apostles, which was right glad when she was shifted off from the Revenge. This brave ship the Revenge, being manned only with two hundred, soldiers and mariners, whereof eighty lay sick; yet nevertheless after a fight maintained, as was said, of fifteen hours, and two ships of the enemy sunk by her side, besides many more torn and battered, and great slaughter of men, never came to be entred, but was taken by composition; the enemies themselves having in admiration the virtue of the commander, and the whole tragedy of that ship.

In the year 1596 was the second invasion that we made upon the main territories of Spain; prosperously atchieved by that worthy and famous Robert earl of Essex, in concert with the noble earl of Nottingham that now liveth, then admiral. This journey was like lightning; for in the space of fourteen hours the king of Spain's navy was destroyed, and the town of Cadiz taken. The navy was no less than fifty tall ships, besides twenty galleys to attend them. The ships were straitways beaten, and put to flight with such terror, as the Spaniards in the end were their own executioners, and fired them all with their own hands. The galleys, by the benefit of the shores and shallows, got away. The town was a fair, strong, well built, and rich city; famous in antiquity, and now most spoken of for this disaster. It was manned with four thousand soldiers foot, and some four hundred horse; it was sacked and burned, though great clemency was used towards the inhabitants. But that which is no less strange than the sudden victory, is the great patience of the Spaniards; who though we stayed upon the place divers days, yet never offered us any play then, nor ever put us in suit by any action of revenge or reparation at any time after.

In the year 1600 was the battle of Newport in the Low-Countries, where the armies of the archduke, and the States, tried it out by a just battle. This was the only battle that was fought in those countries these many years. For battles in the French wars have been frequent, but in the wars of Flanders rare, as the nature of a defensive requireth. The forces of both armies were not much unequal: that of the States exceeded somewhat in number, but that again was recompensed in the quality of the soldiers; for those of the Spanish part were of the flower of all their forces. The archduke was the assailant, and the preventer, and had the fruit of his diligence and celerity. For he had charged certain companies of Scotish men, to the number of eight hundred, sent to make good a passage, and thereby severed from the body of the army, and cut them all in pieces: for they, like a brave infantry, when they could make no honourable retreat, and would take no dishonourable flight, made good the place with their lives. This entrance of the battle did whet the courage of the Spaniards, though it dulled their swords: so as they came proudly on, confident to defeat the whole army. The encounter of the main battle which followed, was a just encounter, not hastening to a sudden rout, nor the fortune of the day resting upon a few former ranks, but fought out to the proof by several squadrons, and not without variety of success; *Stat pedi pes, densusque viro vir.* There fell out an error in the Dutch army, by the overhasty medly of some of their men with the enemies, which hindred the playing of their great ordnance. But the end was, that the Spaniards were utterly defeated, and near five thousand of their men in the fight, and in the execution, slain and taken; amongst whom were many of the principal persons of their army. The honour of the day was, both by the enemy and the Dutch themselves, ascribed unto the English; of whom sir Francis Vere, in a private commentary which he wrote of that service, leaveth testified, that of fifteen hundred in number, for they were no more, eight hundred were slain in the field: and, which is

almost incredible in a day of victory, of the remaining seven hundred, two men only came off unhurt. Amongst the rest sir Francis Vere himself had the principal honour of the service, unto whom the prince of Orange, as is said, did transmit the direction of the army for that day; and in the next place sir Horace Vere his brother, that now liveth, who was the principal in the active part. The service also of sir Edward Cecil, sir John Ogle, and divers other brave gentlemen, was eminent.

In the year 1601 followed the battle of Kinsale in Ireland. By this Spanish invasion of Ireland, which was in September that year, a man may guess how long time a Spaniard will live in Irish ground; which is a matter of a quarter of a year, or four months at most. For they had all the advantages in the world; and no man would have thought, considering the small forces employed against them, that they could have been driven out so soon. They obtained, without resistance, in the end of September, the town of Kinsale; a small garrison of one hundred and fifty English leaving the town upon the Spaniards approach, and the townsmen receiving the foreigners as friends. The number of Spaniards that put themselves into Kinsale, was two thousand men, soldiers of old bands, under the command of Don John d'Aquila, a man of good valour. The town was strong of itself; neither wanted there any industry to fortify it on all parts, and make it tenable, according to the skill and discipline of Spanish fortification. At that time the rebels were proud, being encouraged upon former successes; for though the then deputy, the lord Mountjoy, and sir George Carew, president of Munster, had performed divers good services to their prejudice; yet the defeat they had given the English at Blackwater, not long before, and their treaty, too much to their honour, with the earl of Essex, was yet fresh in their memory. The deputy lost no time, but made haste to have recovered the town before new succours came, and sat down before it in October, and laid siege to it by the space of three winter months or more: during which

time sallies were made by the Spaniard, but they were beaten in with loss. In January came fresh succours from Spain, to the number of two thousand more, under the conduct of Alonzo d'Ocampo. Upon the comforts of these succours, Tyrone and Odonnell drew up their forces together, to the number of seven thousand, besides the Spanish regiments, and took the field, resolved to rescue the town, and to give the English battle. So here was the case: an army of English, of some six thousand, wasted and tired with a long winter's siege, engaged in the midst, between an army of a greater number than themselves, fresh and in vigour, on the one side; and a town strong in fortification, and strong in men, on the other. But what was the event? This in few words: that after the Irish and Spanish forces had come on, and shewed themselves in some bravery, they were content to give the English the honour as to charge them first; and when it came to the charge, there appeared no other difference between the valour of the Irish rebels and the Spaniards, but that the one ran away before they were charged, and the other straight after. And again, the Spaniards that were in the town had so good memories of their losses in their former sallies, as the confidence of an army, which came for their deliverance, could not draw them forth again. To conclude: there succeeded an absolute victory for the English, with the slaughter of above two thousand of the enemy; the taking of nine ensigns, whereof six Spanish; the taking of the Spanish general, d'Ocampo, prisoner; and this with the loss of so few of the English as is scarce credible; being, as hath been rather confidently than credibly reported, but of one man, the cornet of sir Richard Greame; though not a few hurt. There followed immediately after the defeat a present yielding up of the town by composition; and not only so, but an avoiding, by express articles of treaty accorded, of all other Spanish forces throughout all Ireland, from the places and nests where they had settled themselves in greater strength, as in regard of the natural situation of the places, than that was of Kin-

sale; which were Castlehaven, Baltimore, and Beerehaven. Indeed they went away with sound of trumpet, for they did nothing but publish and trumpet all the reproaches they could devise, against the Irish land and nation; insomuch as d'Aquila said in open treaty, that when the devil upon the mount did shew Christ all the kingdoms of the earth, and the glory of them, he did not doubt but the devil left out Ireland, and kept it for himself.

I cease here; omitting not a few other proofs of the English valour and fortunes, in these latter times: as at the suburbs of Paris, at the Raveline, at Druse in Normandy, some encounters in Britanny, and at Ostend, and divers others; partly because some of them have not been proper encounters between the Spaniards and the English; and partly because others of them have not been of that greatness, as to have sorted in company with the particulars formerly recited. It is true, that amongst all the late adventures, the voyage of sir Francis Drake, and sir John Hawkins into the West Indies, was unfortunate; yet in such sort as it doth not break or interrupt our prescription, to have had the better of the Spaniards upon all fights of late. For the disaster of that journey was caused chiefly by sickness; as might well appear by the deaths of both the generals, sir Francis Drake, and sir John Hawkins, of the same sickness amongst the rest. The land enterprise of Panama was an ill measured and immature counsel: for it was grounded upon a false account, that the passages towards Panama were no better fortified than Drake had left them. But yet it sorted not to any fight of importance, but to a retreat, after the English had proved the strength of their first fort, and had notice of the two other forts beyond, by which they were to have marched. It is true, that in the return of the English fleet they were set upon by Avellaneda, admiral of twenty great ships Spanish, our fleet being but fourteen, full of sick men, deprived of their two generals by sea, and having no pretence but to journey homewards: and yet the Spaniards did but salute them, about the Cape de los Corientes, with

some small offer of fight, and came off with loss; although it was such a new thing for the Spaniards to receive so little hurt upon dealing with the English, as Avellaneda made great brags of it, for no greater matter than the waiting upon the English afar off, from Cape de los Corientes to Cape Antonio; which, nevertheless, in the language of a soldier, and of a Spaniard, he called a chace.

But before I proceed farther, it is good to meet with an objection, which if it be not removed, the conclusion of experience from the time past to the time present will not be sound and perfect. For it will be said, that in the former times, whereof we have spoken, Spain was not so mighty as now it is; and England, on the other side, was more aforehand in all matters of power. Therefore let us compare with indifferency these disparities of times, and we shall plainly perceive, that they make for the advantage of England at this present time. And because we will less wander in generalities, we will fix the comparison to precise times; comparing the state of Spain and England in the year 88, with this present year that now runneth. In handling of this point, I will not meddle with any personal comparisons of the princes, counsellors, and commanders by sea or land, that were then, and that are now, in both kingdoms, Spain and England; but only rest upon real points, for the true balancing of the state of the forces and affairs of both times. And yet these personal comparisons I omit not, but that I could evidently shew, that even in these personal respects the balance sways on our part; but because I would say nothing that may savour of a spirit of flattery or censure of the present government.

First, therefore it is certain, that Spain hath not now one foot of ground in quiet possession more than it had in 88. As for the Valtoline, and the Palatinate, it is a maxim in state, that all countries of new acquest, till they be settled, are rather matters of burden than of strength. On the other side, England hath Scotland united, and Ireland reduced to obedience, and planted; which are mighty augmentations.

Secondly, in 88, the kingdom of France, able alone to counterpoise Spain itself, much more in conjunction, was torn with the party of the league, which gave law to their king, and depended wholly upon Spain. Now France is united under a valiant young king, generally obeyed if he will, himself king of Navarre as well as of France; and that is no ways taken prisoner, though he be tied in a double chain of alliance with Spain.

Thirdly, in 88, there sat in the see of Rome a fierce thundring frier, that would set all at six and seven; or at six and five, if you allude to his name: and though he would after have turned his teeth upon Spain, yet he was taken order with before it came to that. Now there is ascended to the papacy, a personage, that came in by a chaste election, no ways obliged to the party of the Spaniards: a man bred in ambassages and affairs of state, that hath much of the prince, and nothing of the frier; and one, that though he loves the chair of the papacy well, yet he loveth the carpet above the chair; that is, Italy, and the liberties thereof well likewise.

Fourthly, in 88, the king of Denmark was a stranger to England, and rather inclined to Spain; now the king is incorporated to the blood of England, and engaged in the quarrel of the Palatinate. Then also Venice, Savoy, and the princes and cities of Germany, had but a dull fear of the greatness of Spain, upon a general apprehension only of the spreading and ambitious designs of that nation: now that fear is sharpened and pointed by the Spaniards late enterprises upon the Valtoline and the Palatinate, which come nearer them.

Fifthly and lastly, the Dutch, which is the Spaniards perpetual duellist, hath now, at this present, five ships to one, and the like proportion in treasure and wealth, to that they had in 88. Neither is it possible, whatsoever is given out, that the coffers of Spain should now be fuller than they were in 88: for at that time Spain had no other wars save those of the Low Countries, which were grown into an ordinary; now they

have had coupled therewith the extraordinary of the Valtoline, and the Palatinate. And so I conclude my answer to the objection raised touching the difference of times; not entering into more secret passages of state, but keeping that character of style whereof Seneca speaketh, *plus significat quam loquitur.*

Here I would pass over from matter of experience, were it not that I held it necessary to discover a wonderful erroneous observation that walketh about, and is commonly received, contrary to all the true account of time and experience. It is, that the Spaniard, where he once getteth in, will seldom or never be got out again. But nothing is less true than this. Not long since they got footing at Brest, and some other parts in French Britain, and after quitted them. They had Calais, Ardes, and Amiens, and rendered them, or were beaten out. They had since Marseilles, and fairly left it. They had the other day the Valtoline, and now have put it in deposit. What they will do with Ormus, which the Persian hath taken from them, we shall see. So that, to speak truly of latter times, they have rather poached and offered at a number of enterprises, than maintained any constantly; quite contrary to that idle tradition. In more ancient times, leaving their purchases in Afric, which they after abandoned, when their great emperor Charles had clasped Germany almost in his fist, he was forced, in the end, to go from Isburg, and, as if it had been in a mask, by torchlight, and to quit every foot in Germany round that he had gotten; which, I doubt not, will be the hereditary issue of this late purchase of the Palatinate. And so I conclude the ground that I have to think that Spain will be no overmatch to Great Britain, if his majesty should enter into a war, out of experience, and records of time.

For grounds of reason, they are many; I will extract the principal, and open them briefly, and, as it were, in the bud. For situation, I pass it over; though it be no small point: England, Scotland, Ireland, and our good confederates the United Provinces, lie all in a plump together, not accessible but by sea, or at least

by passing of great rivers, which are natural fortifications. As for the dominions of Spain, they are so scattered, as it yieldeth great choice of the scenes of the war, and promiseth slow succours unto such part as shall be attempted. There be three main parts of military puissance, men, money, and confederates. For men, there are to be considered valour and number. Of valour I speak not; take it from the witnesses that have been produced before: yet the old observation is not untrue, that the Spaniard's valour lieth in the eye of the looker on; but the English valour lieth about the soldier's heart. A valour of glory, and a valour of natural courage, are two things. But let that pass, and let us speak of number: Spain is a nation thin sown of people; partly by reason of the sterility of the soil, and partly because their natives are exhausted by so many employments in such vast territories as they possess. So that it hath been accounted a kind of miracle, to see ten or twelve thousand native Spaniards in an army. And it is certain, as we have touched it, a little before, in passage, that the secret of the power of Spain consisteth in a veteran army, compounded of miscellany forces of all nations, which for many years they have had on foot upon one occasion or other: and if there should happen the misfortune of a battle, it would be a long work to draw on supplies. They tell a tale of a Spanish ambassador that was brought to see the treasury of S. Mark at Venice, and still he looked down to the ground; and being asked, why he so looked down, said, "he was "looking to see whether their treasure had any root, "so that if it were spent it would grow again; as his "master's had." But, howsoever it be of their treasure, certainly their forces have scarce any root; or at least such a root as buddeth forth poorly and slowly. It is true they have the Walloons, who are tall soldiers, yet that is but a spot of ground. But, on the other side, there is not in the world again such a spring and seminary of brave military people, as is England, Scotland, Ireland, and the United Provinces: so as if wars should mow them down never so fast, yet they may be suddenly supplied, and come up again.

For money, no doubt it is the principal part of the greatness of Spain; for by that they maintain their veteran army: and Spain is the only state of Europe that is a money grower. But in this part, of all others, is most to be considered, the ticklish and brittle state of the greatness of Spain. Their greatness consisteth in their treasure, their treasure in their Indies, and their Indies, if it be well weighed, are indeed but an accession to such as are masters by sea. So as this axle-tree, whereupon their greatness turneth, is soon cut in two by any that shall be stronger than they by sea. Herein therefore I refer myself to the opinions of all men, enemies or whomsoever, whether that the maritime forces of Great Britain, and the United Provinces, be not able to beat the Spaniard at sea? For if that be so, the links of that chain whereby they hold their greatness are dissolved. Now if it be said, that admit the case of Spain to be such as we have made it, yet we ought to descend into our own case, which we shall find, perhaps, not to be in state, for treasure, to enter into a war with Spain. To which I answer; I know no such thing; the mint beateth well; and the pulses of the people's hearts beat well. But there is another point that taketh away quite this objection: for whereas wars are generally causes of poverty or consumption; on the contrary part, the special nature of this war with Spain, if it be made by sea, is like to be a lucrative and restorative war. So that, if we go roundly on at the first, the war in continuance will find itself. And therefore you must make a great difference between Hercules' labours by land, and Jason's voyage by sea for the golden fleece.

For confederates; I will not take upon me the knowledge, how the princes, states, and councils of Europe, at this day, stand affected towards Spain; for that trencheth into the secret occurrents of the present time, wherewith, in all this treatise, I have forborn to meddle. But to speak of that which lieth open and in view; I see much matter of quarrel and jealousy, but little of amity and trust towards Spain, almost in all other estates. I see France is in competition with them

for three noble portions of their monarchy, Navarre, Naples, and Milan; and now freshly in difference with them about the Valtoline. I see once in thirty or forty years cometh a pope, that casteth his eye upon the kingdom of Naples, to recover it to the church: as it was in the minds of Julius the second, Paul the fourth, and Sixtus the fifth. As for that great body of Germany, I see they have greater reason to confederate themselves with the kings of France, and Great Britain, or Denmark, for the liberty of the German nation, and for the expulsion of Spanish and foreign forces, than they had in the years 1552 and 1553. At which time they contracted a league with Henry the second the French king, upon the same articles, against Charles the fifth, who had impatronized himself of a great part of Germany, through the discord of the German princes, which himself had sown and fomented: which league at that time did the deed, and drave out all the Spaniards out of that part of Germany; and reintegrated that nation in their ancient liberty and honour. For the West-Indies, though Spain hath had yet not much actual disturbance there, except it have been from England; yet nevertheless I see all princes lay a kind of claim unto them; accounting the title of Spain but as a monopoly of those large countries, wherein they have in great part but an imaginary possession. For Afric upon the west, the Moors of Valentia expulsed, and their allies, do yet hang as a cloud or storm over Spain. Gabor on the east is like an anniversary wind, that riseth every year upon the party of Austria. And Persia hath entered into hostility with Spain, and given them the first blow by taking of Ormus. It is within every man's observation also, that Venice doth think their state almost on fire, if the Spaniards hold the Valtoline. That Savoy hath learned by fresh experience, that alliance with Spain is no security against the ambition of Spain; and that of Bavaria hath likewise been taught, that merit and service doth oblige the Spaniard but from day to day. Neither do I say for all this, but that Spain may rectify much of this ill blood by their particular and cunning negociations: but yet

there it is in the body, and may break out, no man, knoweth when, into ill accidents: and at least it sheweth plainly, that which serveth for our purpose, that Spain is much destitute of assured and confident confederates. And therefore I will conclude this part with the speech of a counsellor of state in Spain at this day which was not without salt: he said to his master the king of Spain that now is, upon occasion; "Sir, I "will tell your majesty thus much for your comfort; "your majesty hath but two enemies, whereof the "one is all the world; and the other is your own mi- "nisters." And thus I end the second main part I propounded to speak of; which was, the balancing of the forces between the king's majesty and the king of Spain, if a war must follow.

END OF VOL. III.

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